

The 44th George Ernest Morrison Lecture in Ethnology 1983

**CONTROL OF PUBLISHING IN CHINA,
PAST AND PRESENT**

CHAN HOK-LAM

The Australian National University
Canberra

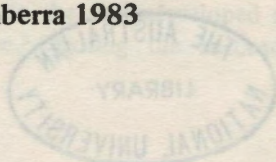
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CONTROL OF PUBLISHING IN CHINA, PAST AND PRESENT

I feel deeply honoured to have been invited by the Australian National University to give the 1983 George E. Morrison Lecture to commemorate a great Australian who rendered distinguished service to China. Dr Morrison, China correspondent of the London *Times* in the late 1890s and political adviser to several presidents of the Chinese Republic from 1912 to 1920, is a household name in contemporary affairs. His genuine and warm affection for the Chinese people permeated the voluminous collections of his papers and correspondence, where he left many perceptive and balanced accounts of China during those turbulent years. His yearning for knowledge about China, moreover, led him to assemble one of the finest collections of books in Western languages on Chinese subjects, now comfortably housed in the Tōyō Bunko in Tokyo.¹ My lecture deals with the attempts by various Chinese governments to control and regulate publishing from the tenth century to the present. It is a modest tribute to Dr Morrison's unwavering devotion to quality journalism, passionate commitment to China's independence and freedom, and consummate love of scholarship and book-collecting.

Publishing, which was made possible and facilitated by the invention of printing, is without doubt still the most dominant arena of intellectual and cultural activity. It provides the media through which knowledge and information are gathered and disseminated — in books, journals, and newspapers — ideas and thinking are stimulated and interact, and intellectual and cultural communications are fostered and given concrete expression. No adequate tribute can be made to the genius of mankind without a serious appraisal of the significance of the invention of printing and the development of publishing.²

In this arena, China can certainly claim preeminence as it not only possessed a distinguished tradition of scholarship, but it was also where printing was invented as early as the seventh century under the T'ang dynasty (618-907). This was initiated by the Buddhist monks who made woodblocks to print religious images and charms, and they were used since the Chen-kuan era (627-49) by official agencies and private individuals to reproduce literary works. However, book publishing in the T'ang remained primitive due to the underdeveloped techniques and sluggish institutional response.³ During the succeeding Sung

dynasty (960-1279), printing made enormous progress through the invention of movable type in the 1040s, and publishing of all kinds of literature by both state agencies and private concerns became a thriving enterprise. It was through the widespread dissemination of knowledge due to cheaper and quicker duplication of books that made the Sung period an era of exceedingly rich intellectual and cultural development in Chinese history.⁴ In these achievements, China therefore surpassed Europe for several centuries since, although many states in the Middle Ages had a long tradition of reproduction of manuscripts, printing was not invented until the 1450s in Strasbourg, Venice, and other cultural centres for the duplication of books and literature. The impact of the advent of printing and its accelerated improvement in Europe was equally profound; it kindled the explosion of knowledge that gave impetus to the Renaissance and laid the foundation of Western civilisation in the modern world.⁵

The profuse publication of books and literature, however, also aroused the concern of the temporal as well as ecclesiastical authorities as the ideas and expressions found in these printed works often posed a challenge to their vested interests. There were already numerous attempts by the emperors of early China, and by the crown and the churches in medieval Europe to control and regulate public expression and written works to safeguard their prerogatives before they were transmitted in printed form. However, the deluge of published works through the development of printing made the control and regulating of publications more desirable and exigent.⁶

In China, the T'ang court had already prohibited, through the legal code (*T'ang lü*), the transcription and distribution of a wide range of literary works to protect the state's prerogatives and interests before printing was well developed. These works included the almanacs, astronomical charts, government statutes, national histories, as well as pseudo-Buddhist and Taoist writings and unorthodox literature. In December 835, Emperor Wen-tsung (r.827-40) issued a decree, probably the oldest publication ordinance in history, forbidding the private printing of almanacs by the local administrations.⁷ The rulers of the Sung dynasty, facing the proliferation of books and literature printed by private concerns since the invention of movable type, stepped up their efforts to control and regulate these activities. In the course of time, they promulgated elaborate laws and regulations governing the publication and distribution of literary works to uphold their prerogatives, purge unorthodox ideas and expressions, and stem the leak

of information on state affairs and military defence to the northern enemy states.⁸

Similarly, the crown and the churches in Europe during the Middle Ages also sought to safeguard their prerogatives and interests by exerting control over printing and publishing. Besides imposing periodic censorship and proscription, some of them issued patents or privileges to individuals or legislated companies of publishers with monopoly rights. Their purposes were in part to censor heresy or sedition, and in part to foster literature by protecting publishers against piracy. These precedents were set in Venice where the Council of Ten, during the years 1468-1517, granted periodic privileges for printing books, for an author's or publisher's copyright, and for outlawing imported books.⁹ These regulations were successively elaborated by the states and churches in continental Europe and England and laid the ground for publication laws in modern Europe and North America. It is apparent that these Western laws on publishing varied significantly from their Chinese counterparts since they stemmed from different institutional structures, legal concepts, scholastic traditions, and literary heritage.

Let us begin the subject with a survey of the development of printing and publishing under the Sung dynasty. This dynasty, founded by Chao K'uang-yin (T'ai-tsu) in 960 through a military coup, consists of two phases: the Northern Sung (960-1126), and the Southern Sung (1127-79). The latter continued Sung rule in the south after the north was lost to the Jurchen invasion. The Sung state was not as strong as the T'ang since it was constantly threatened by the northern tribal adversaries — the Hsi Hsia, Liao, and Chin states ruled by the semi-nomadic Tangut, Khitan, and Jurchen peoples. It had to accommodate them in humiliating treaties with regular payments of silk, cash, and commodities in the tributary system to achieve temporary peace. However, the Sung rulers were distinguished for their novel experiments in bureaucratic government, socioeconomic organisations, and patronage of Neo-Confucian philosophy and literature, thereby ushering in a new era of the Chinese state and civilisation.¹⁰

In order to promote the new culture, under both the Northern and Southern Sung, the state established a number of government printing agencies in various localities. In the imperial capitals, first Pien (Kaifeng, Honan), and later Lin-an (Hangchow, Chekiang), several printing offices were located in the Directorate of Education (*kuo-tzu chien*),

Directorate of Imperial Library (*mi-shu chien*), and other state administrations. In the local circuits, printing bureaus were found in major administrations such as the Tea and Salt (*ch'a-yen*), Fiscal (*chuan-yün*), Pacification (*an-fu*), and Judicial (*t'i-hsing*) intendancies, as well as in the leading public academies.¹¹ The most important government printing offices of the latter were in Chekiang, Fukien and Szechwan, where there was an established tradition of printing and publishing. These state agencies all together produced a wide variety of books and literature for administrative use or for sale to the public. They included not only the imperial statutes, official compendia, works of Confucian classics (the 'Nine Classics'), but also the Buddhist Tripitaka and Taoist canon.¹²

At the same time, printing and publishing flourished among the well-established literary families and prosperous commercial concerns, particularly those in Chekiang, Fukien, and Szechwan during the Southern Sung. These private publishers improved the printing techniques and published all kinds of books and literature catering to the burgeoning literary market. They greatly exceeded the government publications and provided an important vehicle for dissemination of ideas and knowledge. In due course, they spurred the rise of bookshops in the imperial capitals and in major urban centres in north and south China, making a direct contribution to the unprecedented intellectual and cultural attainments in the imperial era.¹³ These intensive private printing and publishing efforts, however, also aroused the concern of the Sung rulers because of their political, socioeconomic and intellectual implications. Therefore, they were prompted to take measures to control and regulate book publication and distribution with far-reaching impact on later dynasties.

① The first set of Sung publication laws and regulations were aimed at protecting the state's exclusive privileges in the compilation and dissemination of certain categories of works and literature. They included the almanacs, astronomical charts, prognostication texts, imperial documents, legal works, national histories, and examination literature. Private individuals were forbidden from either possession, transcription, or printing and distribution of these works, and offenders were subject to various terms of punishment.¹⁴

First of all, the Sung court, following the T'ang, monopolised the compilation and possession of almanacs and astronomical charts because

the Chinese emperor, as the mediator between heaven and earth, regarded calculating the seasons and predicting fortunes as his sacred prerogative. The *Sung Penal Conspectus* (*Sung hsing-t'ung*), compiled in 936, therefore reiterated the T'ang code penalising private possession and reproduction of these works. It states: 'The apparatuses for observing heavenly bodies, astronomical charts, prognostication books . . ., the *Seven Luminaries* almanacs . . . shall not be possessed by ordinary people. Offenders shall receive two years' imprisonment'.¹⁵ At the same time, the state delegated the Directorate of Astronomical Observation (*ssu-t'ien chien*) to compile and print annual almanacs for sale to the public, and strictly forbade private compilation, printing, and transaction to safeguard the state's prerogative and profit. Several imperial decrees to this effect were promulgated, for instance, in 1071 and 1080 in the later reigns of the Northern Sung. The penalties were recorded in the *Classified Laws of the Ch'ing-yüan Era* (1195-1200) (*Ch'ing-yüan t'iao-fa shih-lei*) compiled in 1202 under Emperor Ning-tsung (r. 1195-1224) of the Southern Sung. They were extremely severe, ranging from 100 blows of the heavy stick for those who pirated the almanacs, 80 blows for those who produced an abridged text, to exile to 3,000 *li* for those who possessed astronomical charts.¹⁶

Similarly, the Sung court strictly prohibited private compilation, possession, printing, and transmission of prognostication texts and similar works to prevent manipulation by unscrupulous individuals for seditious activities. The terms of punishment contained in the *Penal Conspectus* after the T'ang code were equally severe. They read: 'Those who produce prophecy books, spread the prophecy . . ., and transmit them to mislead the multitude . . ., shall receive a death sentence by strangulation . . . Those who fail to stir up the multitude shall be exiled to 3,000 *li*. Those spreading the message but not causing harm shall receive 100 blows of the stick. People who own prophecy books, even if they do not practise, shall receive two years' imprisonment . . .'.¹⁷ Similar edicts of proscription were issued under Emperors T'ai-tsung (r. 976-97), Chen-tsung (r. 998-1022), Jen-tsung (r. 1023-63), and Hui-tsung (r. 1101-26). During Hui-tsung's reign, as noted later, these decrees were specifically directed against the Manichaeist religious societies which spread prophecy to incite popular rebellion. These proscription orders were later codified in the Southern Sung. The *Classified Laws*, for instance, stipulated an exile to 3,000 *li* for people who possessed astronomical charts, prognostication books, and those who practised such crafts. However, the penalty was reduced

by three to six degrees for those who possessed incomplete works, and for those who practised their craft ineffectually. Informers were to receive a reward of from 50 to 100 *kuan* (1 *kuan* = 1,000 cash) according to the efficacy of the works they reported to the authorities.¹⁸

In addition, the Sung court devoted great attention to the custody and dissemination of the imperial edicts (*yü-shu* or *chao-shu*), state documents, civil and military dispatches, official memorials and recommendations (*tsou-shu* or *tsou-chang*), and similar kinds of materials. These imperial and state documents were originally presented in transcribed form, but the government also printed some of the more important and timely ones, such as the official pronouncements (*pang-wen*) and court gazettes (*ti-pao* or *chao-pao*), to release vital information to state officials. The rest were deposited with various state archival offices, including the Institute of National History (*kuo-shih yüan*), as permanent government records.¹⁹

The Sung court strictly forbade private transcription, printing, possession, and sale of these official documents in order to protect the imperial prerogatives, and also to prevent the revelation of state secrets to the northern tribal adversaries. However, because of the quest for knowledge about state and border affairs, many publishers and booksellers flouted the law and printed these collections for sale at a profit. In August 1090, therefore, Emperor Che-tsung (r. 1086-1100) issued an elaborate decree stipulating the penalties for such an offence. It states: 'All documents and letters on current policies . . ., and those on border affairs and military secrets shall not to be transcribed for circulation . . . Offenders shall receive an imprisonment of two years. Informers shall be encouraged, with a reward of 100 *kuan* of cash.'²⁰ This was promulgated shortly after the Han-lin Academician and imperial envoy, Su Ch'e (1039-1112), returned from a mission to the Liao court, and reported that he saw a profusion of Sung works in the north which he feared might seriously endanger state security. It thus indicates that this decree was also designed to prevent access of secret information by the northern enemies. This proscription order was upheld in the Southern Sung, as we read in the *Classified Laws*: 'Those who print . . . documents on current policies and border secrets shall receive 80 blows of the stick . . . People who report [these activities] shall receive a reward of 50 *kuan*.' Nevertheless, the authorities met with little success in suppressing these infractions, largely because of the public clamour for information on state affairs.²¹

Before long, during the early years of Emperor Shen-tsung's reign (1068-85), such popular demand gave rise to irregular private newspapers known as *hsiao-pao* (Minute Gazettee) which circulated in the capital. These popular gazettees, carrying various items of instant news on important state and border affairs, were compiled and printed by individuals who were either petty officials or those who had access to the government, or by profit-seeking publishers gathering information from disparate sources. They were welcomed by the public because they provided fresh digests of current news and were more speedily circulated. The court subsequently issued orders banning the publication and dissemination of these private newspapers, but the injunctions were generally ignored under the great demand for information, and they enjoyed increased popularity especially in the Southern Sung.²²

Similarly, the Sung rulers regarded the compilation and publication of legal codes and law books as their exclusive privilege. Although they allowed private writings on elucidation of the law, they severely penalised unauthorised compilation and reproduction of government legal works. For instance, in 1036, Emperor Jen-tsung issued an edict forbidding private transcription and compilation of penal statutes, and in 1042, meted out punishment against a local official for having privately reprinted the *Hsing-t'ung lü su*, an elaboration of the *Penal Conspectus*, under a different title for sale.²³ Two similar edicts were promulgated in 1088-89 by Shen-tsung, but they were largely ignored due to the incessant quest of knowledge about the law by private individuals for practical application. In 1113, therefore, Hui-tsung reiterated the ban on piracy of legal ordinances, and commanded the Ministry of Punishment to enact new laws to this effect.²⁴ During the early Southern Sung, however, because of the loss of state archives and government documents to the Jurchen invaders, private printing of legal works became rampant and the court was prompted to intensify the prohibition. We read in the *Classified Laws*: 'People who print or pirate the codes, ordinances, statutes . . . , the *Penal Conspectus*, and other legal pronouncements shall receive 100 blows of the stick . . . Those who report [these activities] shall receive a reward of 50 *kuan*.' Nevertheless, this offence frequently occurred because of the insatiable demand for information about the law, and the state's interference in legal publications had aggravated people's ignorance of the law and inadvertently accentuated corruption and abuses.²⁵

Likewise, the Sung court monopolised the compilation of historical records and institutional compendia under the charge of the Institute of National History, and forbade private individuals from possession,

transcription, and printing of such official compilations. We find an imperial order relating to the prohibition, also designed to prevent access of state secrets to the northern enemies, in the aforementioned decree of 1090 under Emperor Che-tsung. It states that the dynastic Essential Documents (*hui-yao*), National Histories, and Veritable Records (*shih-lu*) should not be printed or transcribed. Infringers were to receive two years' imprisonment, and informers would be rewarded with 100 *kuan*.²⁶ The Southern Sung court also maintained similar prohibitions. In 1139, Emperor Kao-tsung (r. 1127-62) issued an edict encouraging informers to expose officials leaking the Veritable Records to the public, offering a reward of 200 *kuan*, and in 1158, he promulgated another decree forbidding government agencies and court officials from borrowing and copying Hui-tsung's Veritable Records. This injunction was reaffirmed in the *Classified Laws*, which stipulates that people who printed the dynastic Essential Documents or transcribed the National Histories and Veritable Records were to receive 80 blows of the stick, and informers rewarded with 100 *kuan*.²⁷

In addition, the Sung court considered as its exclusive prerogative the compiling and publishing of literary works related to the civil service examinations, such as the scripts of the successful candidates and special editions of classical and literary collections to enhance the bureaucratic recruitment system. The state had undertaken, for instance, the compilation and publication of samples of outstanding scripts by the successful candidates, known as *ch'eng-wen*, in examinations above the departmental levels under the charge of the Directorates of Education and Imperial Library. They were intended to provide the candidates with exemplary models, both in contents and in style, in order to induce conformity to the state orthodoxy and exercise quality control. These compilations were available for sale to the aspirants to officialdom, and large numbers of them were published during the Southern Sung as a result of the expansion of the examination system.²⁸

In effect, the government was also responding to the profusion of examination literature printed by private publishers catering to the demand for reference materials by the candidates. These private concerns, tempted by profit, produced a wide range of mediocre literature that greatly jeopardised the examination system. This phenomenon was commented on by concerned scholar-officials in several memorials submitted in 1101, 1108, 1114, and 1117 during the Northern Sung. They all complained that many unscrupulous booksellers had

compiled and printed various frivolous examination scripts for sale, thus encouraging the lazy students to memorise the model essays without really understanding the classics and literature, and urged the court to ban these private works to minimise their harmful effects.²⁹ These proposals were adopted, and the court thereafter resorted to various measures to control and regulate such publications. The most significant of these was to exhort the government agencies and educational officials to enforce the ruling, introduced in 1009 under Chen-tsung, which, as elaborated later, demanded that all the publishers submit their printed works for review and approval by special agencies before distribution.³⁰ These measures, however, failed to arrest the proliferation of privately published examination literature because of the excessive demand, especially during the Southern Sung, with the rapid increase of candidates participating in examinations. Therefore, the court promulgated additional decrees in 1177 and 1190 stipulating that all the examination literature not previously reviewed and approved by the Directorate of Education be destroyed and banned from sale. In addition, it imposed heavy penalties on the offenders and offered cash rewards to informers exposing such violations. These were also stipulated in the *Classified Laws* of Emperor Ning-tsung: 'People who print the examination scripts of successful candidates shall receive 80 blows of the stick . . . Informers reporting private printing [of such literature] shall be rewarded with 30 to 50 *kuan*.'³¹

At the same time, the state forbade private publishers from printing minute editions of classical and literary works, commonly known as 'kerchief case copies' (*chin-hsiang pen*) or 'pocket-size folders' (*ch'ia-tai ts'e*). They were banned because their very small size had enabled the candidates to smuggle them into the examination halls for clandestine use.³² Despite these measures, the Sung authorities had fallen short of controlling and regulating the publication of examination literature as they could not cope with the heavy demands for reference works and study guides. Opportunistic publishers and booksellers were thus spurred on to produce such necessary materials for an eager and profitable market, and these activities had deleterious effects on the examination system by the latter half of the Southern Sung.

The next set of Sung laws and regulations governing printing and publishing was designed to enforce the state's censorship and prescription of literary works for reasons of domestic politics and state

security. They represented a wide range of literature, including the unorthodox religious texts, proscribed political writings, discourses on border affairs and sundry others. The state did not monopolise the production and distribution of these works, but had taken steps to prohibit or restrict their dissemination to safeguard its interests.

First of all, several Sung emperors had patronised Buddhism and Taoism either as a complement to Neo-Confucian ideology, or in the case of Taoism, as the state religion under Hui-tsung, because of their religious appeal and influence in political, social, and economic arenas. Therefore, they sponsored the compilation and publication of both the Buddhist Tripitaka (*Ta-tsang ching*) and the Taoist canon (*Tao-tsang*). The state did not regard such undertakings as its exclusive privilege, and had encouraged the Buddhists and Taoists as well as lay disciples to print and disseminate their religious literature with minimal interference.³³ At the same time, however, the Sung rulers also periodically banned various kinds of religious teaching and literature which they regarded as unorthodox or heretical to suppress seditious activities. For instance, Emperor Hui-tsung, a fervent Taoist patron, decreed in 1104 and again in 1114 against several Buddhist sutras that prophesied the doom of the temporal order, and in 1119, against even certain Buddhist texts in the Tripitaka that were considered orthodox in the earlier reigns. Fortunately, before long Hui-tsung's reign was terminated by the Jurchen invasion; otherwise, his actions would have greatly undermined the transmission of Buddhism.³⁴

For similar reasons, Hui-tsung vigorously suppressed Manichaeism, a Persian religion founded by the prophet Mani (?213-?73) and known to the Chinese as Mo-ni, or Ming chiao, when it was introduced into China during the seventh century. Manichaeism was regarded as highly subversive because its doctrine postulated constant struggles between the dual cosmic forces, Light and Darkness, and its followers indulged in unconventional conduct, and often engaged in seditious activities. They had been condemned most severely for worshipping an alien deity, eating vegetables and holding nightly meetings until dawn with men and women in attendance.³⁵ The late T'ang rulers had already proscribed the Manichaeist societies but they managed to survive into the early Sung. Their disciples not only succeeded in incorporating some of the Manichaeist sutras into the Taoist canon under a putative name, but also incited the devastating Fang La Rebellion in 1120-22 in central and southeast China. Therefore, between 1120 and 1124, the court issued drastic orders forbidding the possession and circulation of the

Manichaeist sutras and prophetic texts. Local authorities were ordered to search out and destroy such works, people failing to surrender them were given two years' imprisonment, and informers were rewarded with 100 *kuan*.³⁶

Besides religious proscriptions, both the Northern and Southern Sung rulers had imposed censorship on a wide range of literary works as part of a broader political persecution. It greatly affected the writings of leading ministers of the court who were condemned by their political opponents when they had fallen from power. They implicated the scholar-statesmen Wang An-shih (1021-86), Ssu-ma Kuang (1019-86), the belle lettrist Su Shih (1036-1101), the philosopher Chu Hsi (1130-1200) as well as many of their associates, although the proscription of their works was short-lived.

It was Wang An-shih's vigorous reforms initiated during his tenure as chief councillor in the Hsi-ning era (1068-77) of Emperor Shen-tsung that embroiled the court in bitter power struggles with serious repercussions. Wang, a pragmatic Confucian-Legalist statesman, introduced a series of sweeping measures aimed at enriching the state and strengthening the army to cope with the crises of the time. However, his new policies were strongly opposed by conservative statesmen such as Ssu-ma Kuang, Han Ch'i (1008-75), Fu Pi (1004-83), Wen Yen-po (1006-97), and others on both ideological and political grounds as they hurt their vested interests. In response, Wang employed drastic means to further his programmes and banish his critics. At the time when Wang was in power, his new commentaries on the classics: the *Odes*, *Book of Documents*, and the *Chou Rites* (i.e. the *San-ching hsin-i*) were adopted for the school curricula and state examinations to bolster the ideological base of reform policies. There was no censorship or proscription of the writings of the opposition, but they obviously fell out of favour and were ignored for political reasons.³⁷

In 1076, however, Wang An-shih was forced to retire because of the unpopularity of his policies, and the reform programmes collapsed after the death of Shen-tsung in 1085. The new emperor, Che-tsung, who inaugurated the Yüan-yü era (1086-94), fell under the control of the Empress Dowager and the conservative anti-reform faction. The latter was headed by Ssu-ma Kuang, Lü Kung-chu (1018-81), Su Shih, Fan Tsu-yü (1041-98), and others. They not only rescinded many of the reform programmes in favour of the old ones, but also purged Wang An-shih's supporters and proscribed their writings. As a result, Wang's commentaries on the classics and his other writings were censored

and banned alongside the works of the Legalist philosophers Shen P'u-hai, Han Fei, and the unorthodox Buddhist texts. This persecution, however, ended after Che-tsung assumed power upon the Empress Dowager's death in 1094, when he recalled the reformers and banished their opposition. Thereupon, Wang An-shih's writings again enjoyed state patronage, whereas those of the anti-reform scholar-officials were suppressed.³⁸

The most ruthless actions against the Yüan-yü officials, however, occurred in 1102 after Emperor Hui-tsung's accession when Ts'ai Ching (1046-1126), Wang An-shih's leading protégé, became chief councillor and revived many of the reform programmes. In reprisal, Ts'ai not only purged members of the anti-reform factions, but also condemned their leaders, living or deceased. They were blacklisted in two steles called 'Tang-jen pei' (Epitaph of the Clique) erected in the capital Kaifeng in 1102 and 1104. The first records 120 names headed by Wen Yen-po and Ssu-ma Kuang, and the second expands the list to a total of 309 individuals.³⁹ In consequence, several injunctions were issued against the writings of these disgraced scholar-officials. The literary collections of Su Shih, for example, were banned and destroyed together with those of his father and younger brother. The writings of Ssu-ma Kuang, Huang T'ing-chien (1045-1105), Ch'ao Pu-chih (1053-1110), Chang Lai (1054-1114), and several other eminent scholars suffered the same fate. These proscription orders, however, were lifted by Emperor Kao-tsung in the early years of the Southern Sung in an act of conciliation, and the works of Ssu-ma Kuang and Su Shih re-emerged and enjoyed wide-spread popularity.⁴⁰

During the Ch'ing-yüan era of Emperor Ning-tsung of the Southern Sung, a similar literary persecution occurred as a result of political factionalism and power struggles at court. It arose from the scheming of the ambitious councillor Han T'o-chou (d. 1207) to oust his rival, chief councillor Chao Ju-yü (1140-96), and achieve dominance. The power struggle inadvertently involved the eminent philosopher Chu Hsi and the followers of his Neo-Confucian learning known as *tao-hsüeh* (True Way) due to their political affiliation. In early 1195, based on Han T'o-chou's trumped-up accusations that he supported the devious and subversive Chu Hsi school, Chao Ju-yü was exiled, Chu Hsi and several of his associates were also impeached. Chu's commentaries on the Confucian classics and the writings of his disciples were condemned as 'False Learning' (*wei-hsüeh*), and fifty-nine scholars associated with the school were blacklisted. This

proscription, however, met with widespread opposition, and Han was forced to rescind the injunction in 1202. Thereafter, Chu Hsi's philosophy flourished. It was accepted by Emperor Li-tsung (r. 1225-64) in the late 1220s as the state orthodoxy and was upheld by later dynastic rulers to the end of the imperial era.⁴¹

The Sung court, however, imposed consistent and vigorous censorship and proscription of writings that contained information on border affairs. It had subjected all forms of private works to close scrutiny to prevent leaks of information on government policies or military strategies towards the Liao and Chin enemy states. As a consequence, elaborate laws and regulations were promulgated governing the review of private writings before publication, and severe punishment was meted out to those who traded in undesirable books outside the Sung boundaries.

The Sung state, threatened by the Khitan invasion, concluded the treaty of Shan-yüan in 1004/5 with its adversary as a means of accommodation, but it did not succeed in removing the menace. Therefore, following the conclusion of the treaty, the court adopted stringent measures to clamp down on the leak of state secrets. These leaks had become a serious problem once the Liao rulers, using high prices as an incentive, began to tempt Chinese traders to smuggle books through the border markets in present-day Hopei province. In October 1006, Emperor Chen-tsung issued an edict forbidding private merchants from carrying books other than the 'Nine Classics' into the border markets, and imposed a heavy penalty on the offenders.⁴² The prohibition, however, was difficult to enforce, and new measures were subsequently introduced. In February 1009, the court gave an order commanding all the printed works to be submitted to the local fiscal intendant for scrutiny and registration before circulation. Then in March 1027, acting on a memorial from the Secretariat-chancellery, another decree was issued requiring private authors to submit their manuscripts to the local government agencies for review before publication to ensure state security. This series of actions hence inaugurated a standard mandatory procedure for government review of private writings with wide-ranging repercussions.⁴³

Meanwhile, despite the suppression, unscrupulous publishers, encouraged by profit, continued to print books dealing with border affairs for illicit export to the north. This situation was noted in a memorial submitted by the Han-lin Academician, Ou-yang Hsiu, in early 1055. He recommended proscribing all literary collections that contained discourses on state and border affairs, destroying their

printing blocks, banning the sale of printed works that had not been examined or approved by the government authorities, and proposed a reward of 200 *kuan* for informers of such violations. The recommendation was adopted.⁴⁴ Following this, more severe laws for controlling the publication and outflow of books were introduced. In May 1078, under Emperor Shen-tsung, a decree was issued to the administrators of the border markets reiterating the ban on the export of all books to the Liao other than the 'Nine Classics'. According to this, offenders should be penalised by three years of exile, those serving as agents would have their sentence reduced by one degree, while those who committed a more serious offence would be exiled to 1,000 *li*.⁴⁵

The exodus of Sung literature to the Liao, however, remained unabated and became an immediate concern to the state authorities and scholar-officials. We have already noted that the imperial envoy to the Liao, Su Ch'e, memorialised in 1090 that he had found a profusion of Sung books in the north, many of which contained information about court affairs and border defence. He therefore proposed strengthening the control of publication by designating government officials to review the manuscripts, and destroying the printing blocks of those that failed to win approval.⁴⁶ His recommendation was accepted, but the prohibition order did not deter people from smuggling books into the Liao because it had become a lucrative operation. Thus in March 1093, Su Shih, Su Ch'e's eldest brother, then Minister of Rites, submitted three memoranda recommending new measures for remedy. He not only proposed enforcing the law for screening the manuscripts of private authors before publication, but also recommended forbidding the Korean officials from procuring unauthorised books from China to prevent their sale to the Khitans.⁴⁷ Similar decrees banning the export of books were promulgated under Emperor Hui-tsung, reiterating the injunctions of the earlier reigns. The most drastic order was issued in April 1108. It stipulated that such offenders would be penalised as if committing the offence of smuggling copper cash across the border, which was a year's imprisonment for exporting one *kuan*, and capital punishment for three *kuan* and above.⁴⁸

The Southern Sung faced similar problems with the Jurchen Chin as their relations were also strained by mutual hostility and suspicion despite the conclusion of three peace treaties between 1141 and 1208. Therefore, besides strengthening its military defences, the state reinforced the suppression of illicit trade through the border markets in the region of present-day Anhwei, in particular, the export of books to prevent

revelation of state secrets. However, because the Chin rulers offered high prices, private traders were often tempted to smuggle printed materials across the border, as under the Liao. In response, the court reaffirmed the injunctions for mandatory review of private writings by government agencies, and severely punished those indicted for the illegal sale of books to the Chin state.⁴⁹

There were a number of laws and regulations to this effect under the Southern Sung. For instance, in March 1175, Emperor Hsiao-tsung issued a decree imposing penalties on people who sold examination scripts, maps, and geographical works across the border similar to those against people who engaged in secret communications with the enemy. In April 1182, April 1190, and again in July 1193, imperial directives were sent to the local authorities to confiscate and destroy the printing blocks of the proscribed writings dealing with current affairs and the state examinations, and strictly enforce the review of private writings before they were allowed to be published. According to the *Classified Laws* of the Ch'ing-yüan era, those who printed documents and letters dealing with current policies and border secrets were to receive 80 blows of the stick, and informers who reported such offences were to be rewarded with 50 *kuan*.⁵⁰ Several similar decrees were promulgated under Emperor Ning-tsung when the ambitious councillor Han T'o-chou was preparing an irredentist campaign against the Chin. In August 1202, an order was sent to the local administrators to deliver all works concerned with border affairs to special government agencies for review, ban the publication and destroy the printing blocks of the proscribed works. This restriction was not relaxed even after the Sung concluded in 1208 the last peace treaty with Chin following the abortive campaign. In late 1213, responding to reports that books were being traded to the north, the court issued another decree commanding the local officials to strengthen the ban on unauthorised publications. It thus attests to the serious concern of the Sung court over the leak of state secrets, and also the difficulty in curtailing the activities of the profit-seeking publishers and private traders.⁵¹

Finally, we should examine the Sung laws and regulations governing the review of private writings by government agencies before publication. This was introduced, as we have noted, in the edict of February 1009 under Emperor Chen-tsung. It declared that all those who do not

read the books of the sages and who write in frivolous and extravagant phraseology should be sternly reprimanded, all literary works already in print should be examined by officials appointed by the local fiscal intendant, and all those that have been approved be registered with the responsible government agencies. This ruling was upheld in Emperor Jen-tsung's decree of March 1027, which, as mentioned, was designed to combat the increased exodus of books to the Liao through illicit channels.⁵²

The Sung court's concern over the Liao's access to undesirable books was indeed the main reason for reinforcing the prohibition against unauthorised publications. This was also echoed by leading scholar-officials familiar with border affairs like Ou-yang Hsiu and Su Ch'e, who, as noted above, had memorialised in 1055 and 1090 respectively to control book publication and distribution. Therefore, in August 1090, the court promulgated a series of regulations towards this end: 'Thence all those who intend to publish their works shall submit the manuscripts to the local Fiscal Intendant to be forwarded to the Directorate of Education in Kaifeng for review by special officials. Only those adjudged beneficial to scholars shall be permitted to print. Upon printing, a copy of the book, together with the names of officials who gave the authorisation shall be presented to the Directorate of Imperial Library. If it is found improper, appropriate actions shall be taken. All writings of theatrical and licentious nature shall not be printed; offenders shall receive 100 blows of the stick.' These were the most elaborate regulations governing book publication and distribution under the Northern Sung.⁵³

However, these regulations were generally ignored, especially under the Southern Sung when private printing and publishing had become a prosperous commercial enterprise, and the state made additional efforts to remedy the situation. In January 1146 and July 1147, two concerned officials from the National College (*t'ai-hsüeh*) pleaded that the court reinforce the review of private writings by the educational intendants before they were allowed publication. One of them even proposed to destroy the printing blocks of works that were not related to the classics and history and not serious about the teachings of the sages. Their recommendations were all accepted.⁵⁴ Then in July 1159, responding to further prodding from concerned officials, the court issued another decree reiterating the injunction. According to this, only works which had already been submitted to the Directorate of Education for review and approval should be allowed to be printed, and

writings that dealt with personal grudges, heterodox teachings, or impugned the imperial authority, exposed state secrets should all be proscribed.⁵⁵ The penalties were also stated in the *Classified Laws* of Emperor Ning-tsung, based on the stipulations of 1090 under the Northern Sung. They read: 'Those who privately publish books and letters without first submitting the manuscripts to the officials for review and put them on sale shall receive 100 blows of the stick. Those who print the works but have not yet put them on sale shall have their penalty reduced by three degrees [i.e., 70 blows of the stick].' These severe terms of punishment, however, still failed to deter infractions due to the collusion between unscrupulous publishers and border merchants in printing books and smuggling them to the Chin for a lucrative profit.⁵⁶

Leaving aside the effectiveness of these publication laws and regulations, we should examine what criteria had been established and adopted by officials in charge of the review of manuscripts for approval or rejection. In a nutshell, they prohibited works containing material or information that infringed upon the state's prerogatives or dealt with domestic politics and foreign affairs. They also suppressed ideas and styles that conflicted with the orthodox ideology and the established literary standards, and, moreover, banned printed works that failed to observe avoidance of the tabooed imperial names.

First of all, there was a clear definition of what constituted materials or information that encroached upon the state's prerogatives. They included works dealing with astronomical observations, prognostications, national history, imperial pronouncements or legal enactments, and even with the civil service examination. Since the state either prohibited their dissemination or considered their publication its exclusive privilege, these strictures were naturally applied to the review of the private writings. In addition, writings dealing with political factionalism between the pro-reform and anti-reform groups during the Northern Sung, and above all, discourses on border affairs which might pose a danger to state security were also suppressed. As a result, numerous works were banned for discussing such volatile subjects, and some books were partially expurgated because they contained information on sensitive border affairs.⁵⁷

It is less clear, however, what constituted the acceptable ideas and literary styles for the writings under review. The Sung court often proscribed heterodox religious teachings such as pseudo-Buddhism and messianic Manichaeism that impugned the state authority and orthodox

ideology. This kind of work and others that dealt with similar subjects would naturally be banned or expurgated. In addition, the court had ruled against works that did not have a bearing on the classics and history, and also writings not considered 'beneficial to scholars'. We can surmise, therefore, that works that were ideologically correct and of practical value would have been highly recommended, and writings of a 'theatrical and licentious' nature were liable to proscription. Furthermore, great emphasis had been placed on literary styles, which must be elegant and expressive, and works written in frivolous and extravagant phraseology were considered unacceptable. This conscious effort of the Sung court to uphold the classical prose style and Neo-Confucian ideology, therefore, must have had deleterious effects on popular literature which often did not conform to the orthodoxy either in thought or in writing style.⁵⁸

Finally, avoidance of the tabooed imperial names out of respect to the august ruler which was a sacrosanct Chinese tradition was also one of the important criteria for the acceptability of the printed works. Both the Northern and Southern Sung emperors had tabooed the names of their ancestors as well as their personal names. We can find in the *Classified Laws* a glossary of more than thirty such tabooed names (each with an appendage of characters similar in sound) that were to be avoided in writing and printing, and several expanded lists are available in the *Li-pu yün-lüeh* (System of Rhymes promulgated by the Ministry of Rites), 5 *chüan*, published in 1230. These tabooed names could be avoided by one of three basic rules: first, by using an alternate character; second, by leaving a blank in the text, and third, by printing the tabooed character in an incomplete form. It is apparent from the surviving Sung editions that all the authors and publishers dutifully observed these avoidance rules in order to obtain approval of their works for publication and distribution.⁵⁹

We do not really know, of course, how these criteria were applied impartially and thoroughly by officials in charge of the review of literature. It would seem easy to make judgments on works that clearly infringed upon the imperial prerogatives, contained information on domestic politics or border affairs. However, it must have been difficult to evaluate works on less well-defined criteria like those concerning correct ideas and acceptable styles. For the latter, therefore, we should expect unavoidable arbitrariness and even corruption in the review process, although concrete evidence is exceedingly slim.

Under these rules, once a book manuscript had passed the official scrutiny, it would receive a warrant for printing, and, if the work was already in print, a registration permit for its distribution. We can find such an official document in the 1147 edition of the collected works of Wang Yü-ch'eng (954-1001), *Wang Huang-chou hsiao-hsü chi*, 30 *chüan*. This document, printed in the last folios of the book, is a registration patent issued by the officials of Huang-chou (in present-day Hupei) in charge of the printing. It serves notice to the booksellers that the work had been reviewed and approved for publication by the responsible authorities, and it also lists the costs of run-off printing per set at 1 *kuan* and 36 *wen*, and the sale price at 5 *kuan*. Since the latter was more than three times above the printing cost, it was evidently intended to make a profit. It thus indicates that publishers were required to state the cost of printing and the sale price in the colophon of the book they produced. This can be substantiated by similar documents found in several editions of extant Sung works.⁶⁰

At this juncture, we should note an important point that the Sung authorities, while attempting to control and regulate book publishing and distribution, also expressed concern for the intellectual or literary property rights of the author or publisher. The state not only allowed private individuals to reprint the classical and historical works the government had published, but also enacted measures to protect the author or publisher akin to the copyright acts in modern publication laws.

In the first place, the Sung state had waived, as early as Emperor T'ai-tsung of the Northern Sung, its monopoly publications rights of several categories of works printed by government agencies and allowed their reprint by private individuals. These included the 'Nine Classics', lexicons, dynastic histories, institutional compendia, treatises on medicine, the Buddhist Tripitaka, Taoist canon and others. There is a government directive to this effect in the 986 edition of the first comprehensive Chinese dictionary, the *Shuo-wen chieh-tzu* (Explanations of Letters and Exegesis of Characters) by Hsü Shen (30-124), printed by the Directorate of Education. It states that individuals can use government printing blocks for reprint purposes by paying a fee to make up the cost of paper and printing for each set of the work. In addition, private individuals were allowed to make their own printing blocks based on those acquired from the government. This liberal policy remained in effect throughout the Sung dynasty and thus enabled individuals and publishers to produce better copies for their own use or for sale.⁶¹

There is also evidence that the state authorities during the later reigns of the Southern Sung had responded to the appeal of private individuals to enact measures protecting their publications. For instance, we find a publisher's notice in the colophon of the historical work of Wang Ch'eng (d. c. 1200), *Tung-tu shih-lüeh* (Brief Account of the Eastern Capital), 130 *chüan*, printed by the Ch'eng family in Szechwan in 1190-94. It reads: 'This book is printed by the house of Ch'eng she- jen (Ch'eng the Secretary?) of Mei-shan. He has registered it with the government. Reprinting is prohibited.' It clearly shows that this publisher had registered the work with the local authorities and had obtained a patent against piracy.⁶² In addition, we find two government directives forbidding unscrupulous people from pirating the works of the author-publisher to protect his property rights. One such official patent, issued by the fiscal intendant of the two Che circuits in January 1239, is contained in an edition of the *Fang-yü sheng-lan* (Topography Book for Visiting Places of Scenic Beauty) by Chu Mu, 53 *chüan*. The other, issued by the Branch Directorate of Education in Kiangsi in August 1248, is found in an edition of the *Ts'ung-kuei Mao-shih chih-chieh* (Annotation and Elaboration of the Mao Edition of the *Odes*), by Tuan Ch'ang-wu, 30 *chüan*.⁶³ In both cases, the authorities acted in response to a petition submitted by the representatives of the author and publisher. They stated invariably that the work was the laborious effort of the author, that it cost much to produce the printing blocks; they were worried that unscrupulous publishers might tamper with the work and pirate it for a profit, and appealed to the authorities to grant a patent to insure their exclusive publication rights. Their request was approved, and the government directives were sent to the local publishers and booksellers to serve notice of the injunction.

In a nutshell, these cases show that the Sung authorities had responded positively to the petition of private authors and publishers to protect their intellectual property rights. This was indeed novel legislation in the history of premodern publication laws. We are not certain, of course, given the paucity of documentation, whether this was a consistent government policy or just local administrative expedience. It may be true, as the late Ch'ing bibliophile Yeh Te-hui (1864-1927) contended, that these petitions were only isolated cases of influential scholar-officials seeking to protect their own interests. Nevertheless, the practice was evidently continued. For instance, we find in the publisher's colophon of a Yüan rhyme book, the *Ku-chin yün-hui chü-yao* (Essentials of the Rhyme Systems of Past and Present), 30

chüan, by Huang Kung-shao, a declaration that the work has been registered with the authorities and reprinting is forbidden. This indicates that such a practice existed even under Mongol rule, and there is also evidence that it was continued under the Ming, but in the latter period its enforcement was very doubtful since the state failed dismally to control private publication.⁶⁴

To summarise, the Sung rulers had enacted extensive laws and regulations seeking to control and regulate book publishing and distribution. Their objectives were to safeguard the imperial prerogatives, uphold the orthodox ideology, prevent interference with court politics, and stem the leak of state secrets to the northern tribal adversaries. However, the Sung authorities met with little success either in imposing rigid control over publishing activities, or maintaining effective censorship on the printed word and expressed opinion. They also fell short of devising and enforcing a legal framework to protect the rights of the individual author and publisher. These failures are inseparable from the changing political, socioeconomic and intellectual conditions of the dynasty.

First of all, although the Sung court sternly restricted the transcription, printing, and distribution of literary works and documents regarded as the state's exclusive prerogatives, it was lax and inconsistent in regulating the writings of private scholars which constituted the backbone of contemporary publications. It alternated between rigorous censorship and overt patronage depending on the political situation. This vacillating attitude, therefore, while contributing to intellectual liberation and stimulating private publishing, had inadvertently undercut the enforcement of the publication laws and regulations. Secondly, the state simply did not have adequate bureaucratic organisations or personnel to enforce the censorship and proscription of the printed works, or thoroughly screen every item of private writing to authorise publication. Its effort was not only impeded by the size of the empire, complexity of the civil administration, rivalry among various interest groups, but was also hindered by the absence of institutionised bibliographic control over the profusion of official and private publications. The ban on the publication of discourses on border affairs and their transmission to the north was equally ineffective. This was because the state could not suppress the temptation of the private publishers and traders for lucrative profit, and there were enormous practical

difficulties in policing the vast border region. Finally, the measures seeking to protect the property rights of the individual author and publisher, however innovative, were also undercut by the lack of a sound legal framework and of formal procedures. There were no clearly defined criteria, specific duration of protection, or terms of penalty for the infringement. Furthermore, these new rules could not have been faithfully observed by the literati because of an ingrained Chinese tradition which regarded all forms of knowledge as public property, and also because the legal system failed to recognise the individual's private rights. The few cases of petition for protection of the author's or publisher's copyright, as Yeh Te-hui has observed, apparently arose from keen competition for scholarly recognition in bureaucratic appointment, if not also for social prestige and private gains. They must have been regarded as exceptions to the rule by the majority of the literati in their concern over the benefit of scholarly publications for career advancement and commercial profit.

Nevertheless and rather ironically, the Sung court's failure to impose rigid control and strict regulation of book publication and distribution became a blessing to intellectual and cultural development. For, if the contrary had been the case, imperial China would have become a totalitarian state under which intellectual activities and free expression would have been severely restricted. She would not have witnessed the proliferation of books and literature which greatly enriched the classical heritage and solidified the foundations of Chinese civilisation.

Let us examine now how the Chinese rulers in the post-Sung era attempted to control and regulate book publication and distribution. These dynastic successors, the Mongols of the Yüan (1260-1368), the Chinese of the Ming (1368-1644), and the Manchus of the Ch'ing (1644-1911) followed many of the Sung precedents, but they also made departures that marked a regression from the earlier innovative practices.

In a nutshell, these imperial rulers all sought to control and regulate the publication and distribution of a wide range of literature. Like their Sung predecessors, they were attempting to safeguard the state's prerogatives and bolster the orthodox ideology. There are familiar clauses in the *Yüan tien-chang* (Comprehensive Institutes of the Yüan), *Ta Ming lü* (Great Ming Code), and the *Ta Ch'ing lü li* (Great Ch'ing Code and Principles) forbidding private transcription, printing or

distribution of government publications such as the almanacs, astronomical charts, prognostication texts, imperial pronouncements, legal works, examination literature and the like. The penalties were as severe as those of the Sung laws and they were continually enforced to the end of the imperial period.⁶⁵ In many cases, however, the censorship and proscription of private writings were inextricably linked to political persecution and literary inquisition for suppression of public dissent and seditious intentions. There were many such ruthless cases in the early and later reigns of the Ming and during the early reigns of the Ch'ing. In addition, sporadic injunctions had been issued against popular novels and dramas that were regarded as heretical or licentious in order to uphold the ideological and moral order. Furthermore, the Manchu rulers were notorious for censorship and proscription of private writings that contained information on state and military secrets to prevent interference with court politics and safeguard against rebellious uprisings.⁶⁶

However, until the advent of Manchu rule, there was a lack of similarly elaborate state laws and regulations governing the review of private writings before publication, and of government injunctions protecting the property rights of the individual author and publisher. The situation appeared most chaotic during the late Ming when the state delegated the regulating of publications to the local educational officials. These officials, blunted by corruption and malfeasance, grossly neglected their duties, and there was little control over the widespread production of low quality literary works and piracy of profitable publications. This situation persisted to the fall of the dynasty and it was not until a century after the Manchu rulers consolidated their power that more stringent measures were undertaken to control and regulate private publications.⁶⁷

It was in the middle reign of Emperor Ch'ien-lung (r. 1736-95), notorious for the literary inquisition to suppress dissent and sedition, that the mandatory review of private writings was revived. The special decree of 1778 stipulated for instance, that individuals wishing to publish their works should first submit two copies of the manuscript to the local instructor to be forwarded to the director of education in the province for examination. It also exhorted the officials to prosecute authors for expressing devious ideas or displaying offensive phraseology and to ban and destroy books that had not been reviewed and approved by the authorities. However, there were no central government agencies in charge of regulating publications, and the responsibility rested

primarily with the educational officials.⁶⁸ There were various stipulations of severe punishment for the offenders. They ranged from decapitation for those who printed and spread the prognostication texts, 100 blows of the stick and exile to 3,000 *li* for those who transcribed or printed documents of state secrets and military affairs, to similar penalties for those who printed materials on litigation proceedings or published immoral and licentious popular novels.⁶⁹ These publication laws and regulations remained in force to the end of the Ch'ing, but by the late nineteenth century, after the opening of China to the Western powers, local government authorities also initiated measures to protect the copyright of the author and publisher. In 1899 and 1903, for instance, the military-administrative intendant of the Soochow and Sung-chiang prefectures issued an official patent to two local publishers to protect their registered publications against piracy. This practice, however, appeared to have been a local administrative expedience to comply with requests from the influential gentry or those with foreign connections, and it was not incorporated into the formal statutes or ordinances until the next decade.⁷⁰

Shortly afterwards, the Ch'ing court, faced by demands for change, initiated a series of comprehensive constitutional and institutional reforms in an attempt to save the dynasty from internal and external threats to its sovereignty. In conjunction with legal reforms and governmental reorganisation, the first modern publication law, known as the Special Statute of the Great Ch'ing Dynasty Governing Publications, was promulgated in August 1906. The draft, prepared jointly by the newly created ministries of Commerce, Police, and Education, was modelled after the Japanese Publication Law of 1899.⁷¹

This special statute contained several distinctive features which were later found in the publication laws of Republican China. First, it authorised the establishment of the Bureau for the Registration of Publications in Peking under the joint supervision of these three ministries. The Bureau was to handle the registration of all printers, publishers, and printed matter, and also to issue licences to authorise publications. Second, it strictly prohibited libelous materials, not only slander against the imperial authorities, but also defamation and blackmail of individuals, and meted out severe punishment for all the parties concerned: the author, publisher, and even the booksellers. Third, it gave the local police full power to handle applications for registration by the printers and publishers. They were required to submit two copies of their publications to the police office to be forwarded to the Bureau in the capital,

and to print their name and address on their publications. Failure to comply with these rules would subject the offenders to fines, prison terms and seizure and destruction of their printed material. Lastly, the post office was officially employed to exercise indirect control as it was forbidden to deliver the 'recorded materials' printed or published by anyone convicted of sedition, libel, or blackmail.⁷²

Following this, a set of nine regulations governing the publication of newspapers was announced by the Ministry of Police, stipulating that every new newspaper, before publication, must apply for registration and obtain a licence from the Bureau for the Registration of Publications. Items of information that a newspaper was not allowed to print included comments on 'government policies and measures' or 'information about diplomatic or domestic affairs' forbidden specifically by responsible authorities. They thus supplemented the new publication law, but were abrogated when the Ch'ing court introduced its first press law in 1908.⁷³

These new laws evidently reflected the reform spirit, but they still retained traits of authoritarian control of publishing and suppression of free expression. By delegating to the police office the full power to control publications, for instance, the civil procedures and the rights of individuals were impeded. There were also no provisions safeguarding the author and publisher against piracy of their works. This was subsequently remedied in an amendment to the existing publication law in 1910 when the newly established Ministry of the Interior (Civil Administration) absorbed the Ministry of Police and assumed ultimate authority in controlling publications. The amendment offered protection of the property rights of the author's registered works for life, to be inherited by his heir for thirty years, subjected the infringers and plagiarisers to criminal or civil proceedings, and punished the offenders with a fine as well as payment of indemnity to the copyright proprietor. These new provisions, however, existed only on paper, as the Manchu dynasty was overthrown by the revolution before they were implemented.⁷⁴

Following the successful national revolution led by Dr Sun Yat-sen, a new government was established in Nanking, and on January 1, 1912, Dr Sun was sworn in as the provisional president of the Chinese Republic. The Provisional Constitution, adopted in March, contained several articles that profoundly influenced later constitutions. Most important

of all, it gave a solemn promise to the people, for the first time in Chinese history, of freedom of speech, authorship, and publication. Before a new publication law was promulgated, however, the warlord Yüan Shih-k'ai replaced Dr Sun as the provisional president and moved the capital to Peking. In his ambition to become emperor, Yüan sought to suppress civil liberties and tighten control of public expression, and a set of newspaper regulations as well as a new publication law were promulgated. The new publication law, enacted in December 1914, followed in essence the Ch'ing special statute of 1906. The article most frequently invoked was article 3, which stipulated that the publisher's name, address, date of birth, native place, and the date of publication had to be clearly printed. The most infamous article was article 11, which forbade the publication of 'any writing, drawing or picture' if it 'aims at subversive provocation of the government', 'is harmful to the public peace', 'tends to impair social morals', or 'reveals any secret' documents of 'a military, diplomatic or any other official organ'. The police office was given full power to prosecute the offenders, punish them with a fine or imprisonment, and confiscate their publications. This new law was complemented a year later by a copyright act based on the Ch'ing amendment of 1910. However, the new publication law aroused great indignation among the public because the provisions on publishable materials were too restrictive, and it practically fell into disuse after Yüan Shih-k'ai's death in 1916. It was formally repealed in 1926 under Tuan Ch'i-jui, executive of the provisional government, three years after the Substantive Constitution of the Republic of China was promulgated to replace the Provisional Constitution.⁷⁵

During these two decades, despite the establishment of a republican government based on democratic principles and parliamentary institutions, China was engulfed in a tumultuous political crisis, socioeconomic dislocation, and intellectual upheaval. There was little law and order during this period in the face of incessant military battles among the warlords for control of the government, the intellectual agitation which culminated in the May Fourth Movement of 1919, the sporadic uprisings incited by the Chinese Communist Party founded in 1921, and the relentless campaigns of the Kuomintang (Nationalist Party) to unify the country. Following the conclusion of the Northern Expedition in 1928 led by Chiang Kai-shek, the KMT gained control of the key provinces of China, established a one-party dictatorship, and designated Nanking as the capital of the Nationalist Government. The new leaders declared

adherence to Sun Yat-sen's Three People's Principles — nationalism, democracy, and socialism —, provided a system of 'political tutelege' for a six-year period, embarked on constitutional and institutional reforms, and intensified the purge of the Communists in their bid to consolidate power.

The Nationalist Government initiated various measures to restrict public expression and suppress political opposition as a means of strengthening control and legitimising its rule. They hoped to incorporate these measures in a constitutional and legal framework to preserve the semblance of democratic principles and civil liberties. Indeed an auspicious beginning was made in May 1928 when the government promulgated a new copyright law based on the acts of 1910 and 1915. It offered protection of the author's property rights against piracy of his published works registered with the government, and imposed punishment on the infringers with fines or imprisonment and seizure of the pirated literature. However, in the following year, the KMT Central Political Committee passed six guiding principles for setting up stringent laws to regulate printing and publishing. A new publication law was to be enacted 'to safeguard the freedom of the press', designate proper authorities to handle registration and censorship of all publications, and suppress printed works intended 'to propagate reactionary ideas'.⁷⁶

In December 1930, the new publication law was promulgated in accordance with these principles and it contained several outstanding provisions. Publishers of books, newspapers, periodicals or other kinds of material had to register, fifteen days before their first publication, with the Ministry of the Interior through the local office of the provincial government. If the publication dealt with the affairs of the KMT, it had to be also registered with the Party's Central Publicity Department. Copies of publications had to be submitted to certain government agencies, and some also to the KMT Central Publicity Department. Publications were forbidden to contain items intended to 'undermine the Kuomintang or violate the Three People's Principles', or 'overthrow the Nationalist Government or damage the interests of the Republic of China', or to 'undermine public peace' or 'impair social morals'. Furthermore, publications were not allowed to carry public arguments about litigation proceedings, and were forbidden or restricted, in times of war, emergency or necessity, from printing items dealing with political, military and foreign affairs in accordance with the special orders of the Nationalist Government. Offenders were

punishable by prohibition of circulation, detention or seizure of their publications and by fines or prison terms. To supplement this, a set of twenty-five regulations entitled Regulations Governing the Application of the Publication Law was drafted jointly by the Ministry of the Interior and the KMT Central Publicity Department for implementation in the following year.⁷⁷

In 1934, to further its control of publishing and suppression of undesirable literature, the KMT established a Censorship Commission under its Central Publicity Department, and promulgated the Rules for Censorship of Books and Periodicals. The main purpose of the commission was to suppress devious literature, increase the efficiency of censorship, and thus also reduce possible financial losses to publishers and authors. Under these rules, manuscripts of all books and magazines in the field of literature and social sciences were to be censored before publication, and those which were formally connected with the Party or government organisations, or had been published for a long time and complied with the established laws would be exempt from censorship. Every authorised publication, whether book or periodical, had to print the censorship permit number on the back cover, and infringers were subject to punishment of fines or prison terms.⁷⁸

The KMT's period of 'political tutelege' was supposed to end in 1935. In the following year, a Draft Constitution of the Republic of China was promulgated, and a People's Congress was scheduled to meet in late 1937 to adopt the constitution and organise a new national government. The KMT, however, remained in control. There was little relaxation of the stance against political dissent or vigilance over public expression, and the Revised Publication Law was introduced in July 1937. The new law retained the basic articles of the Publication Law of 1930, but included provisions that required publishers to apply for registration of their works with the responsible local authorities prior to publication. The latter were to forward the applications to the provincial government which would approve or reject them, and the approved ones would be recommended to the Ministry of the Interior which would issue a registration card for publication. These provisions thus gave the local authorities full power to make decisions on publications; they not only resulted in tighter control but also invited corruption and abuses at the local level.⁷⁹

Before long, however, China was embroiled in mobilisation for war against the Japanese who had penetrated into North China after seizing Manchuria in 1931, and the Nationalists and Communists formed the

temporary United Front to fight for national survival despite their differences and mutual suspicions. In view of the emergency situation, it came as no surprise that the Nationalist Government, which moved its seat to Chungking in early 1938, introduced far more restrictive laws to control and regulate public expression. The following years, therefore, saw the promulgation of the Revised Standard for Censoring Wartime Books and Periodicals (1938), the Revised Wartime Press Censorship Regulations (1939), the Regulations for Censoring the Manuscripts of Wartime Books and Periodicals (1940), the Rules for Submitting Periodicals for Censorship (1941), the Rules for Submitting Books for Censorship (1942), and finally the Regulations for the Censorship of Wartime Publications and Standards for Censorable Information, and the Regulations for Censorship of Wartime Books and Periodicals (1944).⁸⁰

In a nutshell, while these emergency laws and regulations retained the provisions of the earlier ones concerning the review of manuscripts and registration of printed works prior to publication and distribution, they imposed the most drastic censorship on publications to date. The basic guiding principles in censorship during these war years were outlined in the Revised Standard for Censoring Wartime Books and Periodicals adopted in April 1938 by the KMT Extraordinary National Congress in Chungking. They prohibited slander against the Three People's Principles, attack on the Nationalist Government, disclosure of secret military or diplomatic information inimical to the war effort, utterances undermining the morals and customs of the country, as well as propagation of Facism or radical ideas of class dictatorship and class struggle.⁸¹ The objectives were not only to monitor public expression in support of the war effort and bolster the KMT leadership, but also to prevent Communist infiltration as their precarious alliance deteriorated. By any standards, the Nationalist Government hardly succeeded in its objectives, especially in suppressing the flow of Communist or leftist literature, due to the limitation of its power under the difficult wartime situation. Nevertheless, such drastic censorship and authoritarian control, often accompanied by suspension of civil liberties and other ruthless measures, gravely jeopardised freedom of speech, authorship, and publication in the name of national survival. These controls also rendered meaningless the amendment in 1944 of the copyright law of 1928 to offer protection of the intellectual property rights of the author and publisher.⁸²

With the end of the Sino-Japanese War in August 1945 at the conclusion of World War II, the Nationalist Government returned to Nan-king and most of the wartime censorship regulations and publication laws were recinded along with other emergency laws and regulations promulgated during those years. In December 1947, with the KMT in firm control, the Constitution of the Republic of China drafted in 1936 became effective, under which people's 'freedom of speech, teaching, writing, and publication' was once more solemnly pronounced. However, because of the intensified Communist subversion after the rupture of the United Front and the outbreak of the civil war on the heels of victory over the Japanese, the Revised Publication Law of 1937 remained in effect and was invoked with other special laws, such as the infamous Martial Law and Measures for Punishing Treason and Rebellions enacted in 1948-49. These drastic laws and regulations were frequently applied to suppress political dissent and censor anti-government literature, particularly those of the leftist Communist sympathisers, and were often accompanied by ruthless, extra-legal measures. Under these circumstances, whereas the KMT might not have achieved effective control, the freedom of authorship and publication along with the protection of civil liberties were drastically curtailed until the end of Nationalist rule.⁸³

The establishment of the People's Republic in October 1949 as the culmination of the Communist revolution led by Mao Tse-tung in the name of the dictatorship of the proletariat brought forth many radical changes that transformed China into a centralised socialist state. The new government, founded by the Communist Party and guided by the Marxist-Leninist-Maoist ideology, assumed total control of the country, nationalised private enterprise, and imposed regimentation on the daily activities of the Chinese population. The new Constitution, adopted in 1954, included similar solemn guarantees of people's freedom of speech, writing, and publication, but in effect, they were hardly realised under the totalitarian system. In a chain of ruthless government persecution and coercion to liquidate the reactionary bourgeoisie elements and remould Chinese society, the intellectuals were either purged, re-educated, or cowed into submission to the Communist doctrine and the new sociopolitical order. New China thus saw the most thorough state control of thought, education, and individual expression in the name of socialist reconstruction that she had ever experienced in the past.⁸⁴

To achieve thought control and suppress free expression, the Communist government practically dictated the entire organisation, finance, and maintenance of the publishing houses, as well as the planning and production of material to be printed. Therefore, since 1952, the state has owned and supervised most of the printing houses and printing plants, and private publishing enterprise was finally eliminated in 1957. These government printing houses were operated by various administrative units under the direct control of central and local government organs. In 1951, the Publications Administrative Bureau was established under the Ministry of Culture, and the Provisional Regulations Governing the Control of Book and Periodical Publishing, Printing and Distribution, and the Provisional Measures Governing the Registration of Periodicals were promulgated in the following year.⁸⁵ There are several significant articles in these regulations that aimed at placing rigid and centralised control of publishing and distribution of publications in the hands of the government apparatuses at various levels. They require the publishing houses to specialise in publication (presumably by subject area), to submit plans to the local publications administration for approval and registration, and send sample copies of their books and periodicals to the publications administration before distribution. In addition, they prohibit publication of materials that contradict Communist ideology, the guidelines of the Party, or disclose state and military secret information. They also limit the publication of government documents to the People's Press, and stipulate that publications should not infringe upon the rights of other people's writings or publications.⁸⁶ The latter, however, appears to have been no more than lip-service to the Constitution, since all publications are closely monitored by the state, and individual rights are hardly respected under the government's domination.

Under these circumstances, the Chinese government assumed thorough control of the publishing industry, of what materials should be printed, and how they were to be distributed, as it did in other socioeconomic, intellectual and cultural activities. In view of the state's effective social and political regimentation, total submission of the individual to state authorities and the absence of private enterprise, there was little opportunity for articulation of free expression in printed form without the authorisation of the government. The Communist party hierarchy together with the bureaucratic apparatuses, however, were badly decimated by the domination of the extreme leftists of the 'Gang of Four' during the decade of the Cultural

Revolution from 1966 to 1976. It was a dark era of political radicalisation, socioeconomic upheaval, and intellectual persecution under which the normal functions of the government were brought to a halt, and the established law and order were also severely undermined. During these years, therefore, the publishing houses became the handmaids of leftist political propaganda and the publication planning and organisation were radically overhauled to serve the immediate objectives.⁸⁷

This tumultuous and chaotic period ended in 1978 with the emergence of the moderate leadership under Teng Hsiao-p'ing, and the new government has since modified the 1952 provisions as the basic guidelines for controlling and regulating the resurgent publishing industry. New provisions have been introduced, for instance, to restrict certain items of publication for 'internal reading' only and forbid their circulation abroad for various political and domestic reasons. In January 1980, having formulated a wide range of goals for the state's publishing industry, the Publications Administrative Bureau pronounced a new set of provisional regulations governing publication and distribution. The main features in these regulations are an emphasis on the 'four fundamental principles' introduced by the new leaders, as applied to all areas of political, socioeconomic, intellectual, and cultural activities. They are maintenance of the socialist road, dictatorship of the proletariat, leadership of the Communist Party, Marxism-Leninism and Mao Tse-tung Thought. However, the hitherto centralised control has given way to greater authority for the provincial and local publishing houses in organisation, finance, maintenance, as well as in planning publication and distribution according to individual situations and different needs under the Party's guidance. In addition, the provisions include a stipulation for protecting the rights of the translator of foreign literature according to the terms of the contract.⁸⁸

All these new regulations indicate, therefore, that whereas the publishing houses are still subject to the state's control and the Party's supervision, they have been accorded greater freedom in planning and operation. These measures are evidently geared to the present policies of cautious intellectual and cultural liberalisation, and of selected capitalist management to make the publishing industry self-supportive and above all, profit-making. Furthermore, new signs to encourage the protection of the intellectual property rights have been noted. There were, for example, reports of public pleas to the authorities for

enacting legal measures to safeguard the rights of the author against reckless infringement of his published or unpublished works. In addition, according to a recent China News Agency release, a new copyright law is being drafted, and may be promulgated before long. We are eager to see, therefore, how the current pragmatic Chinese leaders, having launched a programme of Four Modernisations, can accommodate intellectual liberalisation with socialist reconstruction, direct the publishing industry to serve new goals, if not also allow greater freedom of expression and publication.⁸⁹

We should also mention how the Nationalist Government, which reestablished itself in Taiwan after expulsion from the mainland in 1949 and ruled in the name of the Republic of China attempted to control and regulate private publishing. The KMT regime, under Chiang Kai-shek's continued leadership, upheld the Constitution of 1947, the Three People's Principles, and maintained the same political structure and socioeconomic system that had existed on the mainland. In order to strengthen its mandate and eliminate opposition, the government kept a close vigil on public expression and intellectual activities. In November 1952, it promulgated the amended Revised Publication Law of 1937, and further amended it in June 1958 as the basis for regulating the free enterprise publishing industry. There were no major changes in the articles which stipulate the submission of manuscripts by the author or publisher to the Ministry of the Interior for review and approval, and for registration of the publications with the responsible authorities before distribution. Those provisions prohibiting material intended to slander the Nationalist Government and the Three People's Principles, or to impair social morals, endanger public peace and national security remained the same. In addition, the copyright law of 1928, first amended in 1944, was further amended in July 1964 to protect the property rights of the author for life. These rights were to pass to his heir for thirty years, and infringers were to be punished either with fines or prison terms. The enactment of these laws and regulations has thus enabled the government to facilitate control over publishing, and provided a legal framework to accommodate intellectual creations.⁹⁰

Unfortunately, freedom of expression and publication in Taiwan has been frequently impeded and undermined by the Nationalist Government's invocation of emergency martial law in view of continued

military confrontation with the Communists on the mainland. This has resulted in the rampant imposition of censorship and prosecution of authors and publishers who print and distribute books, periodicals or magazines that carry material sympathetic to the Communist cause, display support for the Taiwanese independence movement, or voice criticisms of the KMT leadership. In many cases, trials against those accused of subversive offences were held in the military court according to the emergency law and they were subject to heavy fines, long prison terms, and suspension of civil liberties, thus unavoidably tarnishing the KMT's avowed democratic principles and respect for individual rights.⁹¹ At the same time, the government has not seen fit to safeguard the property rights of the author and publisher against plagiarism or piracy of their publications. As a result, such infringements have proliferated under the intense competition for profit by unscrupulous individuals in the capitalist, laissez-faire commercial system. The most serious flaw in the existing publication laws, however, lies in the lack of protection for foreign publishers who have not registered their works in Taiwan due to the legal complexities. Since Nationalist China remains a non-signatory nation of the UNESCO Universal Copyright Convention of 1955, the government often fails to intervene in such infractions. Therefore, in recent years Taiwan has become notorious as a haven for the piracy of foreign publications and there is still no viable remedy. For all these reasons, despite the greater freedom enjoyed by the authors and publishers in Taiwan under the quasi-democratic and laissez-faire system, they have yet to attain full-fledged legal protection of their freedom of speech and publication, and of their intellectual property rights.⁹²

To conclude, whereas China had preceded the Western nations in the development of printing and publishing, she was far behind many of them in providing adequate legal protection of the rights of the individual author and publisher. In Western Europe by the late fifteenth century the states and churches had established provisions granting privileges to individuals for printing books and for an author's as well as a publisher's copyright with specific duration of protection. In England, the Star Chamber under Queen Mary introduced an act in 1556 incorporating ninety-seven printers, booksellers, and stationers in the Stationers' Company and this was followed by others with more elaborate provisions. These acts removed the state monopoly in printing

and publishing and granted independent authority to a corporation for registering printed books and establishing their copyrights under a licensing system. Furthermore, the royal patents introduced in Venice and in England from the late sixteenth centuries confirmed the author's legal claims to his own intellectual creations before and after publication.⁹³ These successive legal enactments thus ended the control of the printing guilds, and established the intellectual property rights of an individual author and publisher in the common law. In England, they culminated in the Act of Anne in 1710 as the world's first copyright law, and it was followed by similar enactments in France and Prussia which laid the foundation of modern copyright protection. The formation of the International Copyright Union in 1928, based on the Berne Convention of 1886, the Berlin Convention in 1908 and others, and the implementation of the international copyright provisions by the UNESCO Universal Copyright Convention in 1955, has moreover extended such legal protection beyond national boundaries. There is no clearer articulation and recognition of an individual's intellectual property rights in the Western legal system than the copyright law.⁹⁴

By contrast, aside from the deplorable state censorship and literary persecution common to many premodern monarchies and modern totalitarian governments, Chinese authors were not accorded adequate legal recognition and protection of their intellectual property rights until the twentieth century. However, even to this day, such protection remains perfunctory despite the solemn guarantees in the constitution and in the existing laws and regulations. The causes are rather complex. They were in the main due to the state's omnipresent control, subordination of individual rights to central authority, absence of an independent judiciary and underdevelopment of the civil law. But they were also a result of the traditional concepts of knowledge as the public property, intellectual creations and transmission for the common good, and also of the scholar's contempt for litigation in pursuit of social prestige and selfish profit.⁹⁵ The inadequacy of such legal concepts and enactments in China until modern times, however, has not hindered or discouraged literary creations and publishing activities. These were largely due to the unrelenting impetus towards scholarly recognition as the outlet for intellectual aspirations and sociopolitical advancement in the Chinese tradition. This is not to argue, of course, that Chinese intellectuals under the imperial system fared well without the benefit of adequate copyright laws. For, as we have noted, the

deficiency of such legal concepts and protection did result in frivolous publications and rampant pirated printing in violation of individual rights.

In twentieth-century China the individual author and publisher have yet to achieve full-fledged recognition and protection of their intellectual property rights in view of the state's unremitting ideological control and sociopolitical regimentation, and the lack of an impartial legal system. In order to achieve intellectual liberation through publishing, the government as well as the individual must share in the responsibilities and obligations. The state must exercise greater tolerance of ideological diversity, allow individual expression to flourish within the confines of the law and social customs, and, most importantly, uphold the constitutional legal order without undue political interference. Individuals, on the other hand, must adhere to the established laws and regulations, respect the authority of the state, the rights of their fellow citizens, and above all, must exercise self-discipline to meet their societal obligations. There can be no greater pride to China and her people as heirs to their glorious intellectual and cultural heritage than to achieve sound legal order in the publishing world, and this should certainly be an important goal that all will cherish in China's current drive towards modernisation.⁹⁶

NOTES

Abbreviations used:

- CYTF *Ch'ing-yüan t'iao-fa shih-lei*, comp. Hsieh Hsin-fu. Tokyo, 1968 rpt.
- HCP Li T'ao, *Hsü Tzu-chih t'ung-chien ch'ang-pien*, + *shih-pu*. Taipei, 1961 rpt.
- HNYL Li Hsin-ch'uan, *Chien-yen i-lai ch'ao-yeh hsi-nien yao-lu*. 1879-82 edn.
- SHT *Sung hsing-t'ung*, comp. Tou I. Taipei, 1964 rpt.
- SHY *Sung hui-yao chi-kao*, ed. Hsü Sung. Peking, 1957 rpt.
- SS *Sung shih*, ed. T'o-t'o, et al. Po-na edn.

¹ For selections of Dr Morrison's correspondence, see Lo Hui-min, ed., *The Correspondence of G.E. Morrison*, 2 vols. (Cambridge, England, 1976, 1978). On the Morrison library, see *Catalogue of the Asiatic Library of Dr G.E. Morrison, now a part of the Oriental Library, Tokyo*, 2 vols. (Tokyo, 1924).

² The two authoritative works on this subject are Thomas F. Carter, *The Invention of Printing in China and its Spread Westward*, revised by L.C. Goodrich, 2nd edn (New York, 1955), and Elisabeth L. Eisenstein, *The Printing Press as an Agent of Change*, 2 vols. (Cambridge, England, 1979).

³ See Carter/Goodrich, chap. 6; Chang Hsiu-min, *Chung-kuo yin-shua shu ti fa-ming chi ch'i ying-hsiang* (Peking, 1958), pp. 36-49, and Li Shu-hua, *Chung-kuo yin-shua shu ch'i-yüan* (Hong Kong, 1962), chap. 4.

⁴ See Charter/Goodrich, chap. 10; Chang Hsiu-min, pp. 70-79; K.K. Flug, *Istoria kitaiskoi pechatnoi knigi sunskoi epokhi* (The History of Printed Books during the Sung) (Moscow, 1959), chap. 3, and L.C. Goodrich, 'The Development of Printing in China and its Effect on the Renaissance under the Sung Dynasty', *Journal of the Hong Kong Branch of the Royal Asiatic Society* (1963), 3:36-43.

⁵ See, among others, G.H. Putnam, *Books and their Makers during the Middle Ages* (New York, 1896-97), vol. 1-2, pt 2; Lucien Febve/H.J. Martin, *L'Apparition du Livre* (Paris, 1958), chaps 2, 3; Leonardas V. Gerulaitis, *Printing and Publishing in Fifteenth-century Venice* (Chicago/London, 1976), chap. 1, and Elisabeth Eisenstein, vol. 1 *passim*.

⁶ See, for example, Derk Bodde, *China's First Unifier* (Leiden, 1938), pp. 162-65; L.C. Goodrich, *The Literary Inquisition of Ch'ien-lung*, revised edn (New York, 1966), introduction; Li Yu-ning, ed., *The First Emperor of China* (New York, 1975), pp. 122-31; G.H. Putnam, *The Censorship of the Church of Rome* (New York, 1906-7), chaps 2-3; C.R. Gillett, *Burned Books: Neglected Chapters in British History and Literature* (New York, 1932), chap. 1; Alec Craig, *Suppressed Books* (Cleveland/New York, 1963), chap. 1.

⁷ Hsüeh Chü-cheng, et al., *Chiu T'ang shu* (Po-na ed.), 17B:18a; Wang Ch'in-jo, et al., *Ts'e-fu yüan-kuei* (1814 edn), 160:9a. For more information on the publication laws and regulations under the T'ang, see Chi Shao-fu, 'Chung-kuo ku-tai ti ch'u-pan ho tan-hsing ti ch'u-pan fa-ling', *Shang-hai ch'u-pan kung-tso* (Aug. 1980), 8:31.

⁸ For modern studies on Sung publication laws and regulations, see Niida Noboru, 'Keigenjōhō jirei to Sōdai no shuppanhō'; 'Sōkaiyō to Sōdai no shuppanhō' (1938), rpt in *id.*, *Chūgokū hōseishi kenkyū*, (Tokyo, 1964), vol. 4, chaps 24, 25; Liu Ming-shu, 'Sung-tai ch'u-pan fa chi tui Liao-Chin chih shu-ch'in', *Chung-kuo wen-hua yen-chiu hui-k'an* (Sept. 1945), 5:95-114; Miyazaki Ichisada, 'Shokin to kinsho', in *id.*, *Ajiyashi kenkyū* (Kyoto, 1963), II:232-54; Chu Ch'uan-yü, *Sung-tai hsün-wen shih* (Taipei, 1967), chap. 6; *id.*, *Chung-kuo min-i yü hsün-wen tzu-yu fa-chan shih* (Taipei, 1974), pp. 202-15, and Yao-kung (Hsieh Hsing-yao), 'Sung-chao tui-yü shu-pao ti kuan-chih', *Wen-hsien* (Dec. 1979), 1:268-80.

⁹ See G.H. Putnam (1896-97), pp. 352-69; R.R. Bowker, *Copyright: Its History and its Law* (Boston, 1912), pp. 10-20; Leonardas Gerulaitis, chap. 3.

¹⁰ For an excellent introduction to Sung history, see James T.C. Liu/Peter J. Golas, ed., *Change in Sung China: Innovation or Renovation?* (Lexington, Mass., 1969). On Sung relations with her hostile northern states, see *China among Equals: the Middle Kingdom and its Neighbours, 10th-14th Centuries*, ed. Morris Rossabi (Berkeley, 1983), chaps 2, 3, 4, 8.

¹¹ See, for example, Wang Kuo-wei, 'Wu-tai liang-Sung chien-pen k'ao' in (*Hai-ling*) *Wang Chung-ch'o kung i-shu* (Shanghai, 1927-28), vol. 23, ch. 2, 3; K.K. Flug, chap. 5; Shih Mei-ts'en, *Chung-kuo yin-shua fa-chan shih* (Taipei, 1966), pp. 50-53; Chu Ch'uan-yü (1967), pp. 176-79.

¹² See Wang Kuo-wei, *op. cit.*; K.K. Flug, chaps 4, 5.

¹³ See, among others, Chang Hsiu-min, 'Sung Hsiao-tsung shih-tai k'o-shu k'ao-shu', *T'u-shu kuan chi-k'an* (Sept. 1936), 10(3):385-96; *id.*, 'Nan-Sung k'o-shu ti-yü k'ao', *T'u-shu kuan* (Sept. 1961), 3:52-62; K.K. Flug, chaps 4, 5; Hsiu Pai, 'Nan-Sung ti shuo-pan yin-shua', *Wen-wu* (1962), 1:15-28.

¹⁴ For a succinct account, see Liu Ming-shu, pp. 95-99; Chu Ch'uan-yü (1967), pp. 180-82, 195-209; Miyazaki Ichisada, pp. 233-36.

¹⁵ SHT, 9:14a-15a, based on Ch'ang-sun Wu-chi, et al., *T'ang lü shu-i* (*Ts'ung-shu chi-ch'eng* edn), 9:214-15.

¹⁶ SHY:*chi-kuan*, 18:84, 91; CYTF, 17:244, 251.

¹⁷ SHT, 18:10b-11a, based on *T'ang lü shu-i*, 18:416-17.

¹⁸ SS, 4:5b, 7:3a; HCP, 123:1b, 263:41; SHY:*hsing-fa*, 2:43, 63, 78, 83; CYTF, 17:251-52.

¹⁹ For details of these documents, see Chu Ch'uan-yü (1967), chaps 1, 4, 5 *passim*.

²⁰ SHY:*hsing-fa*, 2:38; cf. Su Ch'e, *Luan-ch'eng chi* (*Ssu-pu ts'ung-k'an* [SPTK] edn), 41:10b-11a.

²¹ CYTF, 17:244, 252.

²² For an account of these private newspapers, see Chu Ch'uan-yü (1967), chap. 2; Yao-kung, pp. 276-80. On the Sung court's suppression of these publications, see SHY:*hsing-fa*, 2:34, 123, 124, 125; Chou Lin-chih, *Hai-ling chi* (Taipei, 1977 edn), 3:2b-3b.

²³ SS, 10:9b, HCP, 119:1b; SHY:*hsing-fa*, 2:26, 37, 60. For a list of the Sung government legal compilations and private works on law, see Hsü Tao-lin, 'Sung-chao ti hsing-shu', in *id.*, *Chung-kuo fa-chih shih lun-chi* (Taipei, 1975), pp. 287-300.

²⁴ SHY:*hsing-fa*, 2:37, 60.

²⁵ CYTF, 17:244, 245.

²⁶ SHY:*hsing-fa*, 2:38.

²⁷ SHY:*chi-kuan*, 18:27, 66; HNYL, 180:8b; CYTF, 17:244, 252.

²⁸ For an account of such examination literature, see Chu Ch'uan-yü (1967), pp. 162-69, 195-97.

²⁹ SHY:*hsüan-chü*, 4:3; *hsing-fa*, 2:37, 48, 60, 62, 67.

³⁰ On this decree, see SS, 7:20b; HCP, 71:2b.

- ³¹ SHY: *hsing-fa*, 2:124, 129; *hsüan-chü*, 5:19, 31; CYTF, 17:244, 245.
- ³² SHY: *hsüan-chü*, 4:7, 6:25, 49; Yeh Te-hui, *Shu-lin ch'ing-hua* (Shanghai, 1969), 2:31. See also Chu Ch'uan-yü (1967), pp. 166-68.
- ³³ On the compilation of the Buddhist Tripitaka under the Sung, see Huang Ch'an-hua, *Chung-kuo fo-chiao shih* (Shanghai, 1940), pp. 315-29; Fang Hao, 'Sung-tai fo-chiao tui Chung-kuo yin-shua chi tsou-chih chih kung-hsien', *Ta-lu tsa-chih* (Aug. 1970), 41(4):18-21. On the compilation of the Taoist canon, see Ch'en Kuo-fu, *Tao-tsang yüan-liu k'ao* (Shanghai, 1949), pp. 135-44; Sun K'o-k'uan, *Sung Yüan tao-chiao chih fa-chan* (Taichung, 1965), pp. 124-27.
- ³⁴ SHY: *hsing-fa*, 2:43, 63; HCP (*shih-pu*), 37:8b. See also Sun K'o-k'uan, pp. 102-6, 118-19.
- ³⁵ On the introduction of Manichaeism into China, see E. Chavannes/P. Pelliot, 'Une traité manichéen retrouvé en Chine', *Journal Asiatique* (1911), ser. 10, 18:499-617, (1913), ser. 11, 1:99-199, 261-394; Ch'en Yüan, 'Mo-ni chiao ju Chung-kuo k'ao', *Kuo-hsüeh chi-k'an* (Apr. 1923), 2:203-40.
- ³⁶ On the development of Manichaeism in Sung times, see Mou Jun-sun, 'Sung-tai Mo-ni chiao', *Fu-ten hsüeh-chih* (Dec. 1938), 7(1-2):125-46. For details of Fang La's Rebellion, see Kao Yu-kung, 'A Study of the Fang La Rebellion', *Harvard Journal of Asiatic Studies* (1962-63), 24:27-61. On Hui-tsung's proscription of the Manichaeist literature, see SHY: *hsing-fa*, 2:78, 83, 89.
- ³⁷ For details of Wang An-shih's reform policies, see James T.C. Liu, *Reform in Sung China: Wang An-shih (1021-86) and his New Policies* (Cambridge, Mass., 1959), and Teng Kuang-ming, *Chung-kuo shih-i shih-chi ti kai-k'o chia Wang An-shih*, revised edn (Peking, 1975).
- ³⁸ For an account of the anti-reform during the Yüan-yu era, see Liu Po-ch'i, *Sung-tai cheng-chiao shih* (Taipei, 1971), I:180-98. On the proscription and rehabilitation of Wang An-shih's writings, see HCP (*shih-pu*), 10:11a, 12:3b, 19a; Pi Yüan, *Hsü Tzu-chih t'ung-chien* (Shanghai, 1957), 93:2405.
- ³⁹ On the purge of the Yüan-yu faction under Hui-tsung, see Liu Po-ch'i, I:210-24, and more fully, Helmolt Vittinghoff, *Proskription und Intrigue gegen Yüan-yu Parteigänger . . .* (Frankfurt, 1975).

⁴⁰ HCP (*shih-pu*), 21:7b; SHY:*hsing-fa*, 2:88; Wu Tseng, *Neng-kai chai man-lu* (Shanghai, 1941 edn), 11:284; Pi Yüan, 88:2252, 95:2478. See also Yeh Te-hui, 10:270-71.

⁴¹ On the proscription of Chu Hsi's writings and those of the *tao-hsiueh* school under Han T'o-chou's instigation, see Liu Po ch'i, I:414-22, and more fully, Conrad Schirokauer, 'Neo-Confucianism under Attack: the Condemnation of *wei-hsiueh*', in *Crisis and Prosperity in Sung China*, ed. J.W. Haeger (Tucson, 1975), pp. 163-98. On the rise of the *tao-hsiueh* school in Southern Sung politics, see James T.C. Liu, 'How did a Neo-Confucian School become the State Orthodoxy', *Philosophy East and West* (1973), 23(4):484-505.

⁴² For a brief account of the Shan-yüan treaty, see K.A. Wittfogel and Feng Chia-sheng, *History of Chinese Society, Liao (907-1125)* (Philadelphia, 1949), pp. 326-27. On Chen-tsung's prohibition of transactions of books to the Liao, see HCP, 289:8b-9a. See also Niida Noboru, pp. 468-70; Liu Ming-shu, pp. 102-4; Yao-kung, pp. 270-72.

⁴³ SS, 7:20b; HCP, 71:2b, 105:3a; SHY:*hsing-fa*, 2:16.

⁴⁴ Ou-yang Hsiu, *Ou-yang Wen-chung kung wen-chi* (SPTK edn), 108:11b-12a.

⁴⁵ HCP, 289:8b-9a. See also Liu Lung-sheng, 'Pei-Sung yü Liao Hsia pien-ching ti tsou-ssu mou-i wen-t'i', *Shih-huo yüeh-k'an* (Feb. 1981), 10(11): 480-81.

⁴⁶ Su Ch'e, op. cit. See also Chu Ch'uan-yü (1967), pp. 189-90.

⁴⁷ Su Shih, *Tung-p'o tsou-i*, in *Tung-p'o ch'i-chi* (*Ssu-pu pei-yao* [SPYY] edn), 8:1a-2b, 13:1a-5b. See also Chu Ch'uan-yü (1967), pp. 190-92.

⁴⁸ SHY:*hsing-fa*, 2:47; cf. Liu Ming-shu, pp. 103-4.

⁴⁹ For an account of these Sung-Chin treatises, see Herbert Franke, 'Treatises between Sung and Chin', in *Études Song in memoriam Étienne Balazs*, ed. Françoise Aubin (Paris, 1970), ser. 1, pt 1, pp. 78-82. On the illicit traffic across the Sung-Chin borders, see Ch'uan Han-sheng, 'Sung Chin ti tsou-ssu mou-i', *Bulletin of the Institute of History and Philology, Academia Sinica* (Sept. 1944), 11:425-47.

⁵⁰ SHY:*hsing-fa*, 2:118, 121, 124, 125; CYTF, 17:244, 252.

⁵¹ SHY:*hsing-fa*, 2:132, 138.

⁵² For a succinct account, see Niida Noboru, pp. 450-54, 467-71; Chu Ch'uan-yü (1967), pp. 209-20.

⁵³ Su Ch'e, op. cit.; Ou-yang Hsiu, op. cit.; SHY:*hsing-fa*, 2:38.

⁵⁴ SHY:*hsing-fa*, 2:151; HNYL, 154:23a.

⁵⁵ HNYL, 168:5a, 182:23b. For additional memorials pleading for the enforcement of these regulations, see SHY:*hsing-fa*, 2:129; *hsüan-chü*, 5:19, 24.

⁵⁶ CYTF, 17:244.

⁵⁷ For a succinct account, see Niida Noboru, pp. 467-70; Liu Ming-shu, pp. 107-11; Chu Ch'uan-yü (1967), pp. 162-70, 180-200; Miyazaki Ichisada, pp. 233-41.

⁵⁸ See Liu Ming-shu, pp. 95-99; Chu Ch'uan-yü (1967), pp. 182-85, 204-7.

⁵⁹ For the lists of Sung tabooed imperial names, see SHY:*i-chih*, 13:12-19; CYTF, 3:10-13; *Li-pu yün-lüeh* (SPTK edn), appendix 23b-30b. See also Ch'en Yüan, *Shih-wei chü-li* (Peking, 1958), pp. 152-58.

⁶⁰ See *Wang Huang-chou hsiao-hsü chi* (SPTK edn), last folios. This has been discussed in Niida Noboru, p. 453; Chu Ch'uan-yü (1967), p. 211. For specimens of similar registration patents found in extant Sung works, see Yeh Te-hui, 6:143-45; Chang Hsiu-min (1936), pp. 394-96.

⁶¹ See *Shou-wen chieh-tzu* (986 edn), frontispiece, quoted in Wang Kuo-wei, 2:10b-11b. See also Yeh Te-hui, 2:38, 6:143. For other evidence of such government policy, see Su Shih, 6:1a. See also K.K. Flug, pp. 97-111; Shih Mei-ts'en, pp. 55-57.

⁶² Quoted from Yeh Te-hui, 2:36. This is discussed in Ming-sun Poon, 'The Printer's Colophon in Sung China, 960-1279', *Library Quarterly* (Jan. 1973), 43(1):47.

⁶³ Quoted in Yeh Te-hui, 2:36-37. Both these works are still extant. See also Niida Noboru, pp. 454-55; Chu Ch'uan-yü (1967), pp. 219-20.

⁶⁴ See Yeh Te-hui, 2:41-42. Wang Kung-shao's work is still extant. For examples of the petition for copyright protection by the publishers during the Ming, see K.T. Wu, 'Ming Printing and Printers', *Harvard Journal of Asiatic Studies* (1942-43), 7:230-31.

⁶⁵ See *Yüan sheng-cheng kuo-ch'ao tien-chang* (Peking, 1908 edn), 32:14a-15a; *Ta Ming lü chi-chieh fu-li* (Taipei, 1970 rpt), 12:5a-6b;

Ta Ch'ing lü-li tseng-hsiu t'ung-tsuang chi-ch'eng (1889), 17:7a-8b, 23:12a-15a; *Ch'in-ting hsüeh-cheng ch'üan-shu* (1812), 14:1a-14b.

⁶⁶ For an account of the political persecution and literary inquisition under the Ming and Ch'ing, see Ku Chieh-kang, 'A Study of the Literary Persecution during the Ming Dynasty', trans. L.C. Goodrich, *Harvard Journal of Asiatic Studies* (Dec. 1938), 3(34):254-311; L.C. Goodrich (1966), pt 1, and Hok-lam Chan, *Li Chih (1527-1602) in Contemporary Chinese Historiography* (New York, 1980), pp. 155-60. On the proscription of popular literature under the later imperial dynasties, see Wang Li-ch'i, *Yüan Ming Ch'ing san-tai chin-hui hsiao-shuo hsi-ch'ü tzu-liao*, amended edn (Shanghai, 1981). For a summary of the Ch'ing publication laws and regulations, see *Ch'ing-kuo hsing-cheng fa*, comp. Ad hoc Committee for Investigation of the Old Customs of Taiwan (Tokyo, 1915-18), III:242-63. See also Chu Ch'uan-yü (1974), pp.377-88.

⁶⁷ On the profuse publication of frivolous literary collections in the late Ming, see the remarks of T'ang Shun-chih (1507-60) in his *Ching-ch'uan wen-chi* (SPTK edn), 6:35b, 7:22a. Cf. Wu Han, 'T'ang Shun-chih lun Ming-tai k'o-shu', in *id.*, *Teng-hsia chi* (Peking, 1969), pp. 58-60. Later, the eminent Huang Tsung-hsi (1610-95) also reacted to the same situation when he proposed drastic measures to suppress frivolous private publications. See his *Ming-i tai-fang lu* (SPPY edn), 'hsüeh-hsiao', 11a.

⁶⁸ Quoted in *Ch'in-ting hsüeh-cheng ch'üan-shu*, 14:4a; see also *Ch'ing-kuo hsing-cheng fa*, pp. 245-46.

⁶⁹ See *Ta Ch'ing lü-li tseng-hsiu t'ung-tsuang chi-ch'eng*, 16:11a-12a, 17:7a-8b, 19:8a-9b, 23:12a-15a, 30:63b-64a. See also *Ch'ing-kuo hsing-cheng fa*, pp. 254-60.

⁷⁰ These official patents have been reproduced in Chang Ching-lu, ed., *Chung-kuo chin-tai ch'u-pan shih-liao, ch'u-pien* (Shanghai, 1953), pp. 318, 319.

⁷¹ Included in Ko Kung-chen, *Chung-kuo pao-hsüeh shih* (Shanghai, 1935), pp. 341-48; Chang Ching-lu, *Ch'u-pien*, pp. 312-19. For the full text of the 1899 Japanese publication law, see Nagano Denzō, ed., *Wagakuni chosakuken hōsei no enkaku* (Tokyo, 1968), pp. 87-89; Handa Masao, *Chosakukenhō no kenkyū* (Tokyo, 1971), pp. 581-87.

⁷² Summarised in Lee-hsia Hsü Ting, *Government Control of the Press in Modern China, 1900-1949* (Cambridge, Mass., 1974), pp. 9-11.

⁷³ See Ko Kung-chen, pp. 348-53; Chang Ching-lu, *Ch'u-pien*, pp. 319-24.

⁷⁴ See Chang Ching-lu, ed., *Chung-kuo chin-tai ch'u-pan shih-liao, erh-pien* (Shanghai, 1954), pp. 397-404.

⁷⁵ On the 1904-5 publication laws, see Chang Ching-lu, *Ch'u-pien*, pp. 352-33. Cf. Hsü Ting, pp. 12-13. For an account of Yüan Shih-k'ai's suppression of the press and the intellectuals, see *ibid.*, chap. 3. See also Chu Ch'uan-yü (1974), chap. 8.

⁷⁶ On the 1928 publication law, see Chang Ching-lu, ed., *Chung-kuo hsien-tai ch'u-pan shih-liao, i-pien* (Peking, 1955), pp. 501-9; cf. Shih Wen-kao, *Chu-tso ch'üan fa kai-lun* (Taipei, 1975), pp. 9-11. On the elaboration of the KMT Central Political Committee's six guiding principles for regulating publishing, see Chang, *I-pien*, pp. 522-25; cf. Hsü Ting, pp. 14-15.

⁷⁷ On the 1930 publication law, see Chang Ching-lu, *I-pien*, pp. 510-21; cf. Hsü Ting, pp. 15-16.

⁷⁸ On the 1934 censorship regulations, see Chang Ching-lu, *I-pien*, pp. 525-27. Cf. Hsü Ting, pp. 16-17. For an account of the KMT's suppression of the Communist and leftist literature in this period, see *ibid.*, chap. 4.

⁷⁹ On the 1937 Revised Publication Law, see Chang Ching-lu, ed., *Chung-kuo hsien-tai ch'u-pan shih-liao, ping-pien* (Peking, 1956), pp. 487-96. Cf. Hsü Ting, pp. 18-19. For an account of the KMT's control of the press and suppression of anti-government publications during these years, see *ibid.*, chap. 5.

⁸⁰ On these wartime emergency laws and regulations governing censorship of the press and publications, see Chang Ching-lu, *Ping-pien*, pp. 496-520; cf. Hsü Ting, pp. 20-25.

⁸¹ See Chang Ching-lu, *Ping-pien*, pp. 496-97; cf. Hsü Ting, pp. 20-21.

⁸² For details, see Hsü Ting, chap. 6.

⁸³ See Hsü Ting, pp. 25-26. For details of the Nationalist Government's censorship of the press and suppression of anti-government literature in the post-war period, see *ibid.*, chap. 7.

⁸⁴ On the Communist leaders' attempts to purge the intellectuals and suppress dissent during the first decades of the founding of the new regime, see, for example, Theodore H.E. Ch'en, *Thought Reform of the Chinese Intellectuals* (Hong Kong, 1960); Richard Baum/Frederick Teiwes, *Ssu-ch'ing: The Socialist Education Movement of 1962-66* (Berkeley, 1968); Merle Goldman, *Literary Dissent in Communist China* (Cambridge, Mass., 1967), and Peter R. Moody, *Opposition in Dissent in Communist China* (Stanford, 1977).

⁸⁵ See G. Raymond Dunn, *Publishing in Mainland China* (Cambridge, Mass., 1966), pp. 14-17.

⁸⁶ English translation of these provisional regulations governing publishing and distribution is included in Dunn, *Publishing*, appendixes A and B (pp. 60-66).

⁸⁷ The chaos and destructions caused by the Cultural Revolution are well known. For selected studies, see Roderick MacFarquhar, *The Origins of the Cultural Revolution, I: Contradictions among the People, 1956-57* (New York, 1974); Lowell Dittmer, *Liu Shao-ch'i and the Chinese Cultural Revolution: The Problems of Mass Criticism* (Berkeley, 1974); Byung-joon Ahn, *Chinese Politics and the Cultural Revolution: Dynamics of Policy Processes* (Seattle, 1976), and Bill Brugger, ed., *China: The Impact of the Cultural Revolution* (Canberra, 1978).

⁸⁸ For a succinct account of the upsurge in publishing in China after the Cultural Revolution, see Y.S. Chan, 'Chinese Publishing in Transition, 1972-1979', *Australian Academic and Research Libraries* (March 1981), pp. 26-34. On the main goals of publishing outlined by the Publications Administrative Bureau for 1980, see its report reprinted in *Shang-hai ch'u-pan kung-tso* (March 1980), 3:1-10. The provisional regulations governing the operation of the publishing houses were adopted in April 1980. The full text is included in *ibid* (June 1980), 6:1-9. I am grateful to Y.S. Chan of the Asian Studies Library, the Australian National University, for giving me access to the *Shang-hai ch'u-pan kung-tso*, a periodical restricted to internal circulation.

⁸⁹ See *Kuang-ming jih-pao*, 21/5/1983; *Ta-kung pao* (Hong Kong), 10/7/1983. For remarks on what 'liberalisation' may actually mean in reference to the Chinese government's control of intellectual expression and cultural creation, see Jocelyn Chey, 'Chinese Cultural Policy - Liberalization?', *The Australian Journal of Chinese Affairs* (Jan. 1979), 1:107-12, and Richard Kraus, 'China's Cultural "Liberalization" and

Conflict over the Social Organization of the Arts', *Modern China* (Apr. 1983), 9(2):212-27.

⁹⁰ On these publication laws and regulations, see Tseng Hsü-pai, *Chung-kuo hsin-wen shih* (Taipei, 1966), vol. 2, appendixes 1-4 (pp. 897-921). See also Shih Wen-kao, appendix 4 (pp. 139-50). The latter includes the English text of the amended copyright law of 1964 (pp.151-81).

⁹¹ Between the mid 1960s and late 1970s, the Nationalist Government in Taiwan had prosecuted several well-known writers and publishers for overt criticisms of the KMT, alleged collusion with the Communists, subversion of the government, and agitation for the cause of Taiwanese independence. They included the popular writers Li Ao, Ch'en Ying-chen, Po-yang (Kuo I-tung), and the publishers of the *Mei-li tao* (*Formosa*), a leading magazine advocating Taiwanese independence. These individuals were all tried by the military court invoking the emergency law; they were sentenced to long prison terms, and their publications were confiscated and proscribed.

⁹² The Nationalist Government chose not to join the Universal Copyright Union for various political and intellectual reasons which cannot be elaborated here. See David Kaser, *Book Pirating in Taiwan* (Philadelphia, 1969), pp. 19-21; Shih Wen-kao, pp. 112-15. On the rampant pirating of foreign books in Taiwan, see Kaser, chaps 4-11; Shih, pp. 109-11.

⁹³ On the development of these copyright laws in Europe, see, in addition to note 9 above, Harry Ransom, *The First Copyright Statute: An Essay on an Act for the Encouragement of Learning* (Austin, 1956), and Ian Parsons, 'Copyright and Society', in *Essays in the History of Publishing in Celebration of the 250th Anniversary of the House of Longman, 1724-1924* (London, 1974), pp. 29-60.

⁹⁴ On the development of these international copyright pacts, see, among others, Thorvald Solberg, 'The International Copyright Union', *Yale Law Journal* (1926-27), 36:68-111; Léon Pierre-Quint, *Les droits de l'écrivain dans la société contemporaine* (Paris, 1928); Stephen P. Landas, *International Protection and Literary and Artistic Property* (New York, 1938), I:71-108, and *Copyright: Current Viewpoints on History, Law, and Legislation*, eds A. Kent and H. Lancour (New York, 1972).

⁹⁵ For a succinct account of some of these traditional Chinese concepts, see Hyung I. Kim, *Fundamental Legal Concepts of China and the West: A Comparative Study* (New York, 1981), pp. 91-121, and Wang Gungwu, *Power, Rights and Duties in Chinese History* (The 40th George Ernest Morrison Lecture in Ethnology) (Canberra, 1979), pp. 16-23.

⁹⁶ It should be noted, however, that the Chinese government's programmes of Four Modernisations are confined to agriculture, industry, national defence, and science and technology. See briefly, A. Doak Barnett, *China's Economy in Global Perspective* (Washington, D.C., 1981), chap. 1. For a perceptive account of the precarious relationship between the current Chinese leadership and the intellectuals, see Merle Goldman, *China's Intellectuals: Advice and Dissent* (Cambridge, Mass., 1981), *passim*.

THE GEORGE ERNEST MORRISON

LECTURE IN ETHNOLOGY

The George Ernest Morrison Lecture was founded by Chinese residents in Australia and others in honour of the late Dr G.E. Morrison, a native of Geelong, Victoria, Australia.

The objects of the foundation of the lectureship were to honour for all time the memory of a great Australian who rendered valuable services to China, and to improve cultural relations between China and Australia. The foundation of the lectureship had the official support of the Chinese Consulate-General, and was due in particular to the efforts of Mr William Liu, merchant, of Sydney; Mr William Ah Ket, barrister, of Melbourne; Mr F.J. Quinlan and Sir Colin MacKenzie, of Canberra. From the time of its inception until 1948 the lecture was associated with the Australian Institute of Anatomy, but in the latter year the responsibility for the management of the lectureship was taken over by the Australian National University, and the lectures delivered since that date have been given under the auspices of the University.

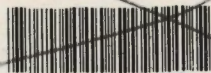
The following lectures have been delivered:

- Inaugural: W.P. Chen, *The Objects of the Foundation of the Lectureship and a review of Dr Morrison's Life in China*. 10 May 1932.
Second: W. Ah Ket, *Eastern Thought, with More Particular Reference to Confucius*. 3 May 1933.
Third: J.S. MacDonald, *The History and Development of Chinese Art*. 3 May 1934.
Fourth: W.P. Chen, *The New Culture Movement in China*. 10 May 1935.
Fifth: Wu Lien-teh, *Reminiscences of George E. Morrison; and Chinese Abroad*. 2 September 1936.
Sixth: Chun-jien Pai, *China Today: With Special Reference to Higher Education*. 4 May 1937.
Seventh: A.F. Barker, *The Impact of Western Industrialism on China*. 17 May 1939.
Eighth: S.H. Roberts, *The Gifts of the Old China to the New*. 5 June 1939.
Ninth: Howard Mowll, *West China as Seen Through the Eyes of the Westerner*. 29 May 1949.
Tenth: W.G. Goddard, *The Ming Shen. A Study in Chinese Democracy*. 5 June 1941.

- Eleventh: D.B. Copland, *The Chinese Social Structure*. 27 September 1948.*
- Twelfth: J.K. Rideout, *Politics in Medieval China*. 28 October 1949.
- Thirteenth: C.P. Fitzgerald, *The Revolutionary Tradition in China*. 19 March 1951.
- Fourteenth: H.V. Evatt, *Some Aspects of Morrison's Life and Work*. 4 December 1952.
- Fifteenth: Lord Lindsay of Birker, *China and the West*. 20 October 1953.
- Sixteenth: M. Titiev, *Chinese Elements in Japanese Culture*. 27 July 1954.
- Seventeenth: H. Bielenstein, *Emperor Kuang-Wu (A.D.25-27) and the Northern Barbarians*. 2 November 1955.*
- Eighteenth: Leonard B. Cox, *The Buddhist Temples of Yun-Kang and Lung-Men*. 17 October 1956.*
- Nineteenth: Otto P.N. Berkelbach van der Sprenkel, *The Chinese Civil Service*. 4 November 1957.
- Twentieth: A.R. Davies, *The Narrow Lane: Some Observations on the Recluse in Traditional Chinese Society*. 19 November 1958.
- Twenty-first: C.N. Spinks, *The Khmer Temple of Prah Vihar*. 6 October 1959.*
- Twenty-second: Chen Chih-mai, *Chinese Landscape Painting: The Golden Age*. 5 October 1960.*
- Twenty-third: L. Carrington Goodrich, *China's Contacts with Other Parts of Asia in Ancient Times*. 1 August 1961.*
- Twenty-fourth: N.G.D. Malmqvist, *Problems and Methods in Chinese Linguistics*. 22 November 1962.*
- Twenty-fifth: H.F. Simon, *Some Motivations of Chinese Foreign Policy*. 3 October 1963.
- Twenty-sixth: Wang Ling, *Calendar, Cannon and Clock in the Cultural Relations between Europe and China*. 18 November 1964.
- Twenty-seventh: A.M. Halpern, *Chinese Foreign Policy – Success or Failure?* 9 August 1966.*
- Twenty-eighth: J.W. de Jong, *Buddha's Word in China*. 18 October 1967.*
- Twenty-ninth: J.D. Frodsham, *New Perspectives in Chinese Literature*. 23 July 1968.*
- Thirtieth: E.A. Huck, *The Assimilation of the Chinese in Australia*. 6 November 1969.*

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- Thirty-first: K.A. Wittfogel, *Agriculture: A Key to the Understanding of Chinese Society, Past and Present*. 6 April 1970.*
 Thirty-second: I. de Rachewiltz, *Prester John and Europe's Discovery of East Asia*. 3 November 1971.*
 Thirty-third: Eugene Kamenka, *Marx, Marxism and China*. 6 September 1972.
 Thirty-fourth: Liu Ts'un-yan, *On the Art of Ruling a Big Country: Views of Three Chinese Emperors*. 13 November 1973.*
 Thirty-fifth: Jerome Ch'en, *Peasant Activism in Contemporary China*. 22 July 1974.
 Thirty-sixth: Yi-fu Tuan, *Chinese Attitudes to Nature: Idea and Reality*. 3 September 1975.
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 Forty-first: Dr Fang Chao-ying, *The Great Wall of China: Keeping out or Keeping In?* 5 June 1980.
 Forty-second: T'ien Ju-K'ang, *Moslem Rebellion in China: A Yunnan Controversy*, 17 June 1981.*
 Forty-third: Alan Thorne, *China and Australia: Forty Thousand Years of Contact*, 4 August 1982.
 Forty-fourth. Chan Hok-lam, *Control of Publishing in China, Past and Present*, 24 August 1983.*

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